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PUBLIC NOTICE

The Board of Appeals has **NOT SCHEDULED** meetings for December 24, 2014, December 31, 2014, or January 07, 2015. The next regular meeting is scheduled for **WEDNESDAY, JANUARY 14, 2015**, City Hall, Room 416, 5:00 pm, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

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Sincerely,

BOARD STAFF

Date Posted: **December 19, 2014**

Victor F. Pacheco, Legal Assistant

Board of Appeals, Dept. 37

City & County of San Francisco

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JANUARY 14, 2015

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) COMMISSIONER COMMENTS & QUESTIONS

(3) ADOPTION OF MINUTES

Discussion and possible adoption of the December 17, 2014 minutes.

(4) REHEARING REQUEST

Subject property at 456 – 27th Street. Letter from Lorna Murdock, appellant, requesting rehearing of Appeal No. 14-170, Murdock vs. DBI, PDA, decided Dec. 10, 2014. At that time, the Board voted 4-0-1 (one vacancy) to uphold the subject permit on the basis that it conforms to the Residential Design Guidelines. Permit Holder: Robert Edmonds. Project: construct a three-story, two-unit residential building with 1,750sf of ground floor area; BPA No. 2013/03/11/1903S.

(5) REHEARING REQUEST

Subject property at 1410 Stanyan Street. Letter from Stephen Williams, attorney for George & Myrta Matula, appellants, requesting rehearing of Appeal No. 14-146, Matula vs. DPW BSM, decided Dec. 17, 2014. At that time, the Board voted 4-0-1 (one vacancy) to uphold the subject Street Improvement Permit on the basis that it is Code compliant. Permit Holder: KM 26th Street Properties LLC. Project: construct new 15' wide concrete sidewalk and concrete curb per City standards to provide a walking path from Clarendon Avenue to access the subject property; Permit No. 14IE-0730.

ITEMS (6A), (6B) & (6C) SHALL BE HEARD TOGETHER:

(6A) **APPEAL NO. 06-132**

RUSSIAN HILL NEIGHBORS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	1045-1059 Broadway. Protesting the ISSUANCE on August 7, 2006, to Charles Mosser, of a Permit to Remove One (1) Tree. ORDER NO. 176, 056. FOR HEARING TODAY. **Note: On March 7, 2007, the Board voted 5-0 to continue the matter to Call of Chair pending final resolution of negotiations between all parties.**

(6B) **APPEAL NO. 06-133**

RUSSIAN HILL NEIGHBORS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	1045-1059 Broadway, and 1061 Broadway #1,2, and 3. Protesting the ISSUANCE on August 7, 2006, to Charles Mosser, Aaron Buchanan & Pat Milazzo, Joel Camarda, and Jose Gatchalian, of a Permit to Remove One (1) Tree. ORDER NO. 176, 057. FOR HEARING TODAY. **Note: On March 7, 2007, the Board voted 5-0 to continue the matter to Call of Chair pending final resolution of negotiations between all parties.**

(6C) **APPEAL NO. 06-134**

RUSSIAN HILL NEIGHBORS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	1041 Broadway. Protesting the ISSUANCE on August 7, 2006, to Charles Mosser, of a Permit to Remove Two (2) Trees. ORDER NO. 176, 055. FOR HEARING TODAY. **Note: On March 7, 2007, the Board voted 5-0 to continue the matter to Call of Chair pending final resolution of negotiations between all parties.**

ITEMS (7A), (7B) & (7C) SHALL BE HEARD TOGETHER:

(7A) **APPEAL NO. 13-173**

IRVING ZARETSKY, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	2853 Broderick Street. Protesting the ISSUANCE on December 10, 2013, to Pamela Whitehead Family Trust, Minor Sidewalk Encroachment Permit (construct new warped driveway for new garage entrance that will encroach 3'-9" into the 15' public right of way; maintain existing planters fronting the subject property). PERMIT NO. 13MSE-0158. PUBLIC HEARING HELD FEB. 05, 2014; FOR FURTHER CONSIDERATION TODAY. **Note: On Feb. 05, 2014, the Board voted 4-0 to continue the matter to Call of Chair pending resolution of the suspension of the underlying building permits.**

(7B) **APPEAL NO. 14-178**

TIM ARCURI, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subject Property Owner: PAMELA WHITEHEAD	2853-2857 Broderick Street. Protesting the ISSUANCE on October 16, 2014, of a Request for Release of Suspension (requesting that the Dept. of Building Inspection release the suspension of BPA Nos. 2011/03/11/1905, 2011/03/25/2839, 2011/08/03/1630, 2012/09/26/0727 & 2013/09/24/7638 - various scopes of work including vertical/horizontal expansion). FOR HEARING TODAY.

(7C) **APPEAL NO. 14-179**

IRVING ZARETSKY, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subject Property Owner: PAMELA WHITEHEAD	2853-2857 Broderick Street. Protesting the ISSUANCE on October 16, 2014, of a Request for Release of Suspension (requesting that the Dept. of Building Inspection release the suspension of BPA Nos. 2011/03/11/1905, 2011/03/25/2839, 2011/08/03/1630, 2012/09/26/0727 & 2013/09/24/7638 - various scopes of work including vertical/horizontal expansion). FOR HEARING TODAY.

(8) **APPEAL NO. 14-103**

GREG SCHOEPP, Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	1545 Ocean Avenue. Protesting the ISSUANCE on May 23, 2014, to Waterfall Wellness Health Center, Medical Cannabis Dispensary Permit (provisional permit). PUBLIC HEARING HELD ON JULY 23, 2014. FOR FURTHER CONSIDERATION TODAY. **Note: this matter was continued to allow time for the DPH to submit the audio recording of the Director's Hearing; additional briefing is allowed.**

(9) **APPEAL NO. 14-153**

PAUL D. SCOTT, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1531 Montgomery Street/ 302 Greenwich Street. Appealing the ISSUANCE on August 14, 2014, to Paul D. Scott, of a Letter of Determination (regarding whether the non-conforming restaurant use once located at the subject property [Julius' Castle] has been abandoned). FOR HEARING TODAY.

(10) **APPEAL NO. 14-180**

SCOTT & JINEE ELLIS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1439 - 5th Avenue. Protesting the ISSUANCE on October 10, 2014, to Man Hay Lam, of an Alteration Permit (remodel kitchen 2nd floor; replace furnace; replace gypsum board at dining room, living room at 3rd floor, and bedroom at 2nd floor; new gypsum board at 3 bathrooms and 4 bedrooms). APPLICATION NO. 2014/10/10/8639. FOR HEARING TODAY.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental

decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **January 09, 2014**

MEMBERS OF THE BOARD OF APPEALS

ANN LAZARUS	PRESIDENT
FRANK FUNG	COMMISSIONER
DARRYL HONDA	COMMISSIONER
BOBBIE WILSON	COMMISSIONER
*** VACANCY ***	----------

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed seven (7) minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

Those members of the public who intend to testify about a particular appeal and wish to have the Board give their testimony evidentiary weight for purposes of deciding the appeal are asked to take an oath. Please note that any member of the public may speak without being sworn-in pursuant to their rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code).

SPECIAL NOTES

If the Board continues a matter to a specific date that is announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 415-575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa.

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:30 p.m. one (1) Thursday prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies. Please note that names and addresses included in these submittals will become part of the public record. Submittals may be made anonymously.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

American sign language interpreters, translation services and/or sound enhancement will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing.

Intérpretes de lenguaje de señas americano, servicio de traducción y/o mejoramiento del sonido estará disponible a petición contactando con personal de la Junta al 415-575-6880 por lo menos 48 horas antes de la audiencia.

美国手语翻译, 翻译服务和/或声音增强将可在聆讯前48小时通过联系575-6880局人员要求.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Board's web site, www.sfgov.org/boa.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGOVTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JANUARY 14, 2015

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Ann Lazarus, Commissioner Frank Fung, Commissioner Darryl Honda and Commissioner Bobbie Wilson.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Nick Elsner, Senior Plan Checker, Department of Public Works Bureau of Street Use and Mapping (DPW); Rahul Shah, DPW; Chris Buck, Acting Urban Forester, Bureau of Urban Forestry, DPW; Aleeta Van Runkle, Deputy City Attorney on behalf of the Department of Public Health Environmental Health Section (DPH); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

1415

(1) **PUBLIC COMMENT**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

PUBLIC COMMENT: None.

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(2) **COMMISSIONER COMMENTS & QUESTIONS**

SPEAKERS: None.

(3) **ADOPTION OF MINUTES**

Discussion and possible adoption of the December 17, 2014 minutes.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0 to adopt the December 17, 2014 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **REHEARING REQUEST**

Subject property at 456 – 27th Street. Letter from Lorna Murdock, appellant, requesting rehearing of Appeal No. 14-170, Murdock vs. DBI, PDA, decided Dec. 10, 2014. At that time, the Board voted 4-0-1 (one vacancy) to uphold the subject permit on the basis that it conforms to the Residential Design Guidelines. Permit Holder: Robert Edmonds. Project: construct a three-story, two-unit residential building with 1,750sf of ground floor area; BPA No. 2013/03/11/1903S.

ACTION: Upon motion by Commissioner Fung, the Board voted 3-1 (Commissioner Wilson dissented) to deny the request.

SPEAKERS: Lorna Murdock, requestor; David Silverman, attorney for permit holder.

PUBLIC COMMENT: Elizabeth Wu, Johanna Sainez, Christina Sarkey, Kerry Lee, and Georgia Schottish spoke in support of the requestor.

(5) **REHEARING REQUEST**

Subject property at 1410 Stanyan Street. Letter from Stephen Williams, attorney for George & Myrta Matula, appellants, requesting rehearing of Appeal No. 14-146, Matula vs. DPW BSM, decided Dec. 17, 2014. At that time, the Board voted 4-0-1 (one vacancy) to uphold the subject Street Improvement Permit on the basis that it is Code compliant. Permit Holder: KM 26th Street Properties LLC. Project: construct new 15' wide concrete sidewalk and concrete curb per City standards to provide a walking path from Clarendon Avenue to access the subject property; Permit No. 14IE-0730.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0 to grant the request and rehear the appeal on February 18, 2015.

SPEAKERS: Steven Williams, attorney for requestors; Mark Brand, agent for permit holder; Nick Elsner, DPW-BSM.

PUBLIC COMMENT: None.

ITEMS (6A), (6B) & (6C) SHALL BE HEARD TOGETHER:

(6A) **APPEAL NO. 06-132**

RUSSIAN HILL NEIGHBORS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	1045-1059 Broadway. Protesting the ISSUANCE on August 7, 2006, to Charles Mosser, of a Permit to Remove One (1) Tree. ORDER NO. 176, 056. FOR HEARING TODAY. **Note: On March 7, 2007, the Board voted 5-0 to continue the matter to Call of Chair pending final resolution of negotiations between all parties.**

(6B) **APPEAL NO. 06-133**

RUSSIAN HILL NEIGHBORS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	1045-1059 Broadway, and 1061 Broadway #1,2, and 3. Protesting the ISSUANCE on August 7, 2006, to Charles Mosser, Aaron Buchanan & Pat Milazzo, Joel Camarda, and Jose Gatchalian, of a Permit to Remove One (1) Tree. ORDER NO. 176, 057. FOR HEARING TODAY. **Note: On March 7, 2007, the Board voted 5-0 to continue the matter to Call of Chair pending final resolution of negotiations between all parties.**

(6C) **APPEAL NO. 06-134**

RUSSIAN HILL NEIGHBORS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	1041 Broadway. Protesting the ISSUANCE on August 7, 2006, to Charles Mosser, of a Permit to Remove Two (2) Trees. ORDER NO. 176, 055. FOR HEARING TODAY. **Note: On March 7, 2007, the Board voted 5-0 to continue the matter to Call of Chair pending final resolution of negotiations between all parties.**

ACTION: Upon motion by Commissioner Honda, the Board voted 3-1 (Commissioner Wilson dissented) to grant the appeals and uphold the permits on the basis of the DPW assessment that the trees should be renewed and with the added condition that the five replacement trees be planted within four months of tree removal.

SPEAKERS: Carol Ann Rogers, agent for appellant; Erica Kwiatkawski, agent for appellant; Steve Kendrick, agent for appellant; David Silverman, attorney for permit holders; Chris Buck, DPW.

PUBLIC COMMENT: None.

ITEMS (7A), (7B) & (7C) SHALL BE HEARD TOGETHER:

(7A) **APPEAL NO. 13-173**

IRVING ZARETSKY, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	2853 Broderick Street. Protesting the ISSUANCE on December 10, 2013, to Pamela Whitehead Family Trust, Minor Sidewalk Encroachment Permit (construct new warped driveway for new garage entrance that will encroach 3'-9" into the 15' public right of way; maintain existing planters fronting the subject property). PERMIT NO. 13MSE-0158. PUBLIC HEARING HELD FEB. 05, 2014; FOR FURTHER CONSIDERATION TODAY. **Note: On Feb. 05, 2014, the Board voted 4-0 to continue the matter to Call of Chair pending resolution of the suspension of the underlying building permits.**

(7B) **APPEAL NO. 14-178**

TIM ARCURI, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subject Property Owner: PAMELA WHITEHEAD	2853-2857 Broderick Street. Protesting the ISSUANCE on October 16, 2014, of a Request for Release of Suspension (requesting that the Dept. of Building Inspection release the suspension of BPA Nos. 2011/03/11/1905, 2011/03/25/2839, 2011/08/03/1630, 2012/09/26/0727 & 2013/09/24/7638 - various scopes of work including vertical/horizontal expansion). FOR HEARING TODAY.

(7C) **APPEAL NO. 14-179**

IRVING ZARETSKY, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subject Property Owner: PAMELA WHITEHEAD	2853-2857 Broderick Street. Protesting the ISSUANCE on October 16, 2014, of a Request for Release of Suspension (requesting that the Dept. of Building Inspection release the suspension of BPA Nos. 2011/03/11/1905, 2011/03/25/2839, 2011/08/03/1630, 2012/09/26/0727 & 2013/09/24/7638 - various scopes of work including vertical/horizontal expansion). FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0 to deny all three appeals. Appeal No. 13-173 was denied on the basis that the permit is Code compliant. Appeal Nos. 14-178 and 14-179 were denied on the basis that the Zoning Administrator did not err or abuse his discretion.

SPEAKERS: Irving Zaretsky, appellant; Zeeva Kardos, agent for appellant; Timothy Arcuri, appellant; Ilene Dick, attorney for permit holder; Stephan Antonaros, agent for permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI; Rahul Shah, DPW.

PUBLIC COMMENT: None.

(8) **APPEAL NO. 14-103**

GREG SCHOEPP, Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	1545 Ocean Avenue. Protesting the ISSUANCE on May 23, 2014, to Waterfall Wellness Health Center, Medical Cannabis Dispensary Permit (provisional permit). PUBLIC HEARING HELD ON JULY 23, 2014. FOR FURTHER CONSIDERATION TODAY. **Note: this matter was continued to allow time for the DPH to submit the audio recording of the Director's Hearing; additional briefing is allowed.**

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0 to deny the appeal and uphold the permit on the basis that it was issued correctly.

SPEAKERS: Dorji Roberts, attorney for appellant; Laura Drossman, attorney for permit holder; Aleeta Van Runkle, attorney for DPH.

PUBLIC COMMENT: Ed Breslin and Robert Reese spoke in support of the appellant. Oscar Grados, Paul Spicer and Astkhik Levantian spoke in support of the permit holder.

(9) **APPEAL NO. 14-153**

PAUL D. SCOTT, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1531 Montgomery Street/ 302 Greenwich Street. Appealing the ISSUANCE on August 14, 2014, to Paul D. Scott, of a Letter of Determination (regarding whether the non-conforming restaurant use once located at the subject property [Julius' Castle] has been abandoned). FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Lazarus, the Board voted 4-0 to reschedule this matter to the Call of the Chair to allow the appellant time to pursue a Conditional Use Authorization from the Planning Commission.

SPEAKERS: Paul Scott, appellant; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

(10) **APPEAL NO. 14-180**

SCOTT & JINEE ELLIS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1439 - 5th Avenue. Protesting the ISSUANCE on October 10, 2014, to Man Hay Lam, of an Alteration Permit (remodel kitchen 2nd floor; replace furnace; replace gypsum board at dining room, living room at 3rd floor, and bedroom at 2nd floor; new gypsum board at 3 bathrooms and 4 bedrooms). APPLICATION NO. 2014/10/10/8639. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0 to continue the appeal to March 18, 2015 to allow time for DBI to conduct a site visit.

SPEAKERS: Scott Emblidge, attorney for appellants; Scott Ellis, appellant; Tony Pang, agent for permit holder; Derek Vinh, agent for permit holder; Joseph Duffy, DBI; Scott Sanchez, ZA.

PUBLIC COMMENT: Gabrey Means and Thomas Means spoke in support of the appellants.

ADJOURNMENT

There being no further business, President Lazarus adjourned the meeting at 9:50 p.m.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JANUARY 21, 2015

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) **COMMISSIONER COMMENTS & QUESTIONS**

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(3) **ADOPTION OF MINUTES**

Discussion and possible adoption of the January 14, 2015 minutes.

ITEMS (4A), (4B) & (4C) SHALL BE HEARD TOGETHER:

(4A) **APPEAL NO. 14-182**

JULIAN LAGOS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	831-841 Gonzalez Drive. Protesting the ISSUANCE on October 31, 2014, to Arborwell Inc., of a TEMPORARY OCCUPANCY PERMIT (from 6am to 4pm on Nov. 04, 2014; regarding tree removal; crane use and commercial vehicle space). APPLICATION NO. 14TOC-3204. FOR HEARING TODAY.

(4B) **APPEAL NO. 14-183**

JULIAN LAGOS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	801-811 Gonzalez Drive. Protesting the ISSUANCE on October 31, 2014, to Arborwell Inc., of a TEMPORARY OCCUPANCY PERMIT (from 6am to 4pm on Nov. 06, 2014; regarding tree removal; crane use and commercial vehicle space). APPLICATION NO. 14TOC-3205. FOR HEARING TODAY.

(4C) **APPEAL NO. 14-184**

JULIAN LAGOS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	602-611 Gonzalez Drive. Protesting the ISSUANCE on October 31, 2014, to Arborwell Inc., of a TEMPORARY OCCUPANCY PERMIT (from 6am to 4pm on Nov. 07, 2014; regarding tree removal; crane use and commercial vehicle space). APPLICATION NO. 14TOC-3206. FOR HEARING TODAY.

(5) **APPEAL NO. 14-148**

THOMAS GODDARD, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	4121 - 20th Street. Protesting the ISSUANCE on August 12, 2014, to 20th Street Trust, of an Alteration Permit (increase basement ceiling height from 6' to 8' by excavating down; place new concrete slab; repair cracked plastering on 1st, 2nd and 3rd floors). APPLICATION NO. 2014/08/11/3496. PUBLIC HEARING HELD ON NOV. 12, 2014. FOR FURTHER CONSIDERATION TODAY. **Note: matter was continued to allow time for the DBI and permit holder to conduct a review of the site conditions; no additional briefing is allowed.**

(6) **APPEAL NO. 14-176**

JASON BLEY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	731 Commercial Street. Protesting the ISSUANCE on October 03, 2014, to Charity Cultural Services Center, of an Alteration Permit (add 4 risers stair between 731 and 731 and provide improved entrance accessibility to 731; new doors to match wood existing and to include power door assist). APPLICATION NO. 2014/09/30/7675. PUBLIC HEARING HELD ON DEC. 17, 2014. FOR FURTHER CONSIDERATION TODAY. **Note: matter was continued to allow time for the DBI to conduct a site inspection regarding ADA requirements; no additional briefing is allowed.**

(7) **APPEAL NO. 14-147**

HENRY GO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	147 Hahn Street. Protesting the ISSUANCE on August 06, 2014 to Clay Go, of an Alteration Permit (comply with NOV Nos. 201451831, 201486731; replace 3 windows at front and siding at rear; replace old garage door with new garage door 7' X 7'-7" wide; demolition of rooms built inside the garage; replace 3 windows at back of house in-kind). APPLICATION NO. 2014/06/11/8118. FOR HEARING TODAY.

(8) **APPEAL NO. 14-185**

WB COYLE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	3300 Clay Street #5. Protesting the ISSUANCE on October 24, 2014, to Reginald Hindley, of an Alteration Permit (comply with complaint No. 201401001 and 201393661; demolition of wall between kitchen/living area; non-bearing wall and duct walls in kitchen area containing disused chimney flues as part of kitchen remodel of unit #5; revision to BPA Nos. 2008/09/09/1122 and 2014/04/18/3656). APPLICATION NO. 2014/10/23/9778. FOR HEARING TODAY.

(9) **APPEAL NO. 14-189**

SIDNEY UNOBSKEY, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2778 Green Street. Protesting the GRANTING on November 06, 2014, to Simon & Margaret Michael, of a Rear Yard Variance (to construct horizontal expansions and replacement of non-complying structures within the required rear yard of the existing non-complying, four-story building). CASE NO. 2014.0352V. FOR HEARING TODAY.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **January 16, 2015**

MEMBERS OF THE BOARD OF APPEALS

ANN LAZARUS	**PRESIDENT**
FRANK FUNG	**COMMISSIONER**
DARRYL HONDA	**COMMISSIONER**
BOBBIE WILSON	**COMMISSIONER**
***** VACANCY *****	----------

PROCEDURE AT HEARINGS

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seven (7) minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist

Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Board's web site, www.sfgov.org/boa.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGOVTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JANUARY 21, 2015

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Ann Lazarus, Commissioner Frank Fung, Commissioner Darryl Honda and Commissioner Bobbie Wilson.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Nick Elsner, Senior Plan Checker, Department of Public Works Bureau of Street Use and Mapping (DPW); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

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21/15

(1) **PUBLIC COMMENT**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

PUBLIC COMMENT: None.

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(2) **COMMISSIONER COMMENTS & QUESTIONS**

SPEAKERS: None.

(3) **ADOPTION OF MINUTES**

Discussion and possible adoption of the January 14, 2015 minutes.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0 to adopt the January 14, 2015 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

ITEMS (4A), (4B) & (4C) SHALL BE HEARD TOGETHER:

(4A) **APPEAL NO. 14-182**

JULIAN LAGOS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	831-841 Gonzalez Drive. Protesting the ISSUANCE on October 31, 2014, to Arborwell Inc., of a TEMPORARY OCCUPANCY PERMIT (from 6am to 4pm on Nov. 04, 2014; regarding tree removal; crane use and commercial vehicle space). APPLICATION NO. 14TOC-3204. FOR HEARING TODAY.

(4B) **APPEAL NO. 14-183**

JULIAN LAGOS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	801-811 Gonzalez Drive. Protesting the ISSUANCE on October 31, 2014, to Arborwell Inc., of a TEMPORARY OCCUPANCY PERMIT (from 6am to 4pm on Nov. 06, 2014; regarding tree removal; crane use and commercial vehicle space). APPLICATION NO. 14TOC-3205. FOR HEARING TODAY.

(4C) **APPEAL NO. 14-184**

JULIAN LAGOS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	602-611 Gonzalez Drive. Protesting the ISSUANCE on October 31, 2014, to Arborwell Inc., of a TEMPORARY OCCUPANCY PERMIT (from 6am to 4pm on Nov. 07, 2014; regarding tree removal; crane use and commercial vehicle space). APPLICATION NO. 14TOC-3206. FOR HEARING TODAY.

ACTION: Upon motion by President Lazarus, the Board voted 4-0 to deny the appeals and uphold the permits on the basis that they are Code compliant and on the condition that the Department reset the effective dates.

SPEAKERS: Julian Lagos, appellant; Neil Woolner, agent for permit holder; Nick Elsner, DPW.

PUBLiC COMMENT: Diane Carpio spoke in support of the appellant.

(5) **APPEAL NO. 14-148**

THOMAS GODDARD, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	4121 - 20th Street. Protesting the ISSUANCE on August 12, 2014, to 20th Street Trust, of an Alteration Permit (increase basement ceiling height from 6' to 8' by excavating down; place new concrete slab; repair cracked plastering on 1st, 2nd and 3rd floors). APPLICATION NO. 2014/08/11/3496. PUBLIC HEARING HELD ON NOV. 12, 2014. FOR FURTHER CONSIDERATION TODAY. **Note: matter was continued to allow time for the DBI and permit holder to conduct a review of the site conditions; no additional briefing is allowed.**

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0 to continue the appeal to February 11, 2015, to allow time for the parties to work on permit revisions that may resolve this dispute.

SPEAKERS: Thomas Goddard, appellant; Jonathan Black, attorney for permit holder; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(6) **APPEAL NO. 14-176**

JASON BLEY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	731 Commercial Street. Protesting the ISSUANCE on October 03, 2014, to Charity Cultural Services Center, of an Alteration Permit (add 4 risers stair between 731 and 731 and provide improved entrance accessibility to 731; new doors to match wood existing and to include power door assist). APPLICATION NO. 2014/09/30/7675. PUBLIC HEARING HELD ON DEC. 17, 2014. FOR FURTHER CONSIDERATION TODAY. **Note: matter was continued to allow time for the DBI to conduct a site inspection regarding ADA requirements; no additional briefing is allowed.**

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0 to continue this matter to March 25, 2015, to allow time for the parties to work on permit revisions that may resolve this dispute.

SPEAKERS: Joseph Duffy, DBI

PUBLIC COMMENT: None.

(7) **APPEAL NO. 14-147**

HENRY GO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	147 Hahn Street. Protesting the ISSUANCE on August 06, 2014 to Clay Go, of an Alteration Permit (comply with NOV Nos. 201451831, 201486731; replace 3 windows at front and siding at rear; replace old garage door with new garage door 7' X 7'-7" wide; demolition of rooms built inside the garage; replace 3 windows at back of house in-kind). APPLICATION NO. 2014/06/11/8118. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0 to continue this matter to the Call of the Chair on the condition that the Department of Building Inspection further research what, if any, life safety issues are present at the property and to allow work under the permit to continue to the extent necessary to mitigate any life safety issues identified.

SPEAKERS: Dennis Zaragoza, attorney for appellant; Joseph Duffy, DBI; Scott Sanchez. ZA. The permit holder did not appear.

PUBLIC COMMENT: None.

(8) **APPEAL NO. 14-185**

WB COYLE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	3300 Clay Street #5. Protesting the ISSUANCE on October 24, 2014, to Reginald Hindley, of an Alteration Permit (comply with complaint No. 201401001 and 201393661; demolition of wall between kitchen/living area; non-bearing wall and duct walls in kitchen area containing disused chimney flues as part of kitchen remodel of unit #5; revision to BPA Nos. 2008/09/09/1122 and 2014/04/18/3656). APPLICATION NO. 2014/10/23/9778. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Honda, the Board voted 4-0 to deny the appeal and uphold the permit on the basis that it is Code compliant and was properly issued.

SPEAKERS: Reginald Hindley, permit holder; Joseph Duffy, DBI. The appellant did not appear.

PUBLIC COMMENT: None.

(9) **APPEAL NO. 14-189**

SIDNEY UNOBSKEY, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2778 Green Street. Protesting the GRANTING on November 06, 2014, to Simon & Margaret Michael, of a Rear Yard Variance (to construct horizontal expansions and replacement of non-complying structures within the required rear yard of the existing non-complying, four-story building). CASE NO. 2014.0352V. FOR HEARING TODAY.

This matter was withdrawn prior to hearing.

ADJOURNMENT

There being no further business, President Lazarus adjourned the meeting at 6:50 p.m.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JANUARY 28, 2015

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) ELECTION OF OFFICERS

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(3) COMMISSIONER COMMENTS & QUESTIONS

(4) ADOPTION OF MINUTES

Discussion and possible adoption of the January 21, 2015 minutes.

(5) APPEAL NO. 14-167

TOWER CAR WASH, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	1601 Mission Street. Appealing the DENIAL on September 26, 2014, of a Tree Removal Permit (request to remove and replace three (3) privately maintained street trees). ORDER NO. 182954. FOR HEARING TODAY.

(6) **APPEAL NO. 14-187**

EVELYN PINE & DOUGLAS PECKLER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	940 Esmeralda Avenue. Protesting the ISSUANCE on October 29, 2014, to Scott & Jeannie Stone, of an Alteration Permit (comply with NOV No. 201492171; reduce deck area to be 100sf or less per SFBC 106A.2.1; no electrical, plumbing or mechanical). APPLICATION NO. 2014/10/29/0163. FOR HEARING TODAY.

(7) **APPEAL NO. 14-150**

LYNN MAHR, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	926 Garfield Street. Protesting the ISSUANCE on August 27, 2014, to Lily Esteban, of an Alteration Permit (two walls and one door to be removed; garage to be restored to original condition). APPLICATION NO. 2014/08/25/4676. PUBLIC HEARING HELD ON NOV. 05, 2014. FOR FURTHER CONSIDERATION TODAY. **Note: matter was continued to allow time for the DBI to conduct an inspection of the lower floor.**

(8) **APPEAL NO. 14-099**

PAMELA MILLER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	3828 Cesar Chavez Street. Protesting the ISSUANCE on May 07, 2014, to Hela Campbell, of an Alteration Permit (disconnect and remove stove, refrigerator and sink; over-the-counter permit to demolish unwarranted rental unit; incorporating cottage back into and with the lower flat). APPLICATION NO. 2014/05/07/5151. PUBLIC HEARING HELD ON NOV. 05, 2014. FOR FURTHER CONSIDERATION TODAY. **Note: matter was continued to allow Vice President Hurtado and Commissioner Wilson to participate in the final vote; additional briefing is allowed.**

(9) **APPEAL NO. 14-190**

FRANCIS D. RYAN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1055 Ashbury Street. Protesting the GRANTING on November 06, 2014, to Chris Durkin, of a Rear Yard Variance (construct a three-story, single-family residence on a vacant lot). CASE NO. 2013.0771V. FOR HEARING TODAY.

(10) **APPEAL NO. 14-191**

JAMES COX & GEORGIA CREEL-COX, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1468 Masonic Avenue. Protesting the ISSUANCE on November 04, 2014, to David & Lillian Cook, of an Alteration Permit (rebuild existing rear yard fences to 10' max; comply with NOV No. 201491651). APPLICATION NO. 2014/09/16/6410. FOR HEARING TODAY.

(11) **APPEAL NO. 14-193**

JOSE & XENIA RAMOS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	34 Baltimore Way. Protesting the ISSUANCE on November 04, 2014, to Tiffany Ocon, of an Alteration Permit (comply with complaint No. 201192627; legalize deck under separate permit; remove illegal bathroom). APPLICATION NO. 2014/11/04/0617. FOR HEARING TODAY.

(12) **APPEAL NO. 14-194**

DONNA PARKE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2226 - 40th Avenue. Protesting the ISSUANCE on November 14, 2014, to Wen Tan, of an Alteration Permit (legalize existing wood deck at back of house; provide 1 hour fire rated wall and guardrail; legalize 1st floor bedrooms and bathroom per plan; comply with NOV No. 201490571). APPLICATION NO. 2014/09/24/7204. FOR HEARING TODAY.

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Date posted: **January 23, 2015**

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BOBBIE WILSON	COMMISSIONER
*** VACANCY ***	----------

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DVD'S OF MEETINGS

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JANUARY 28, 2015

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Ann Lazarus, Vice President Darryl Honda, Commissioner Frank Fung and Commissioner Bobbie Wilson.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Chris Buck, Acting Urban Forester, Department of Public Works Bureau of Urban Forestry (DPW); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

(1) PUBLIC COMMENT

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

PUBLIC COMMENT: None.

(2) ELECTION OF OFFICERS

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0 to re-elect President Lazarus to the office of President. Upon further motion by Commissioner Fung, the Board voted 4-0 to elevate Commissioner Honda to the office of Vice President.

SPEAKERS: None.

PUBLIC COMMENT: None.

(3) COMMISSIONER COMMENTS & QUESTIONS

SPEAKERS: None.

GOVERNMENT
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(4) **ADOPTION OF MINUTES**

Discussion and possible adoption of the January 21, 2015 minutes.

ACTION: Upon motion by Vice President Honda, the Board voted 4-0 to adopt the January 21, 2015 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 14-167**

TOWER CAR WASH, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	1601 Mission Street. Appealing the DENIAL on September 26, 2014, of a Tree Removal Permit (request to remove and replace three (3) privately maintained street trees). ORDER NO. 182954. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0 to deny the appeal and uphold the denial of the permit on the basis that the trees are healthy.

SPEAKERS: Martin Kutches, agent for appellant; Chris Buck, DPW; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

(6) **APPEAL NO. 14-187**

EVELYN PINE & DOUGLAS PECKLER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	940 Esmeralda Avenue. Protesting the ISSUANCE on October 29, 2014, to Scott & Jeannie Stone, of an Alteration Permit (comply with NOV No. 201492171; reduce deck area to be 100sf or less per SFBC 106A.2.1; no electrical, plumbing or mechanical). APPLICATION NO. 2014/10/29/0163. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0 to grant the appeal and deny the permit on the basis that it was issued in error.

SPEAKERS: Evelyn Pine, appellant; Douglas Peckler, appellant; Scott Stone, permit holder; Pat Buscovich, agent for permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(7) **APPEAL NO. 14-150**

LYNN MAHR, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	926 Garfield Street. Protesting the ISSUANCE on August 27, 2014, to Lily Esteban, of an Alteration Permit (two walls and one door to be removed; garage to be restored to original condition). APPLICATION NO. 2014/08/25/4676. PUBLIC HEARING HELD ON NOV. 05, 2014. FOR FURTHER CONSIDERATION TODAY. **Note: matter was continued to allow time for the DBI to conduct an inspection of the lower floor.**

ACTION: Upon motion by President Lazarus, the Board voted 4-0 to deny the appeal and uphold the permit on the basis that it was properly issued.

SPEAKERS: Lynn Mahr, appellant; Scott Sanchez, ZA; Joseph Duffy, DBI. The permit holder did not appear.

PUBLIC COMMENT: None.

(8) **APPEAL NO. 14-099**

PAMELA MILLER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	3828 Cesar Chavez Street. Protesting the ISSUANCE on May 07, 2014, to Hela Campbell, of an Alteration Permit (disconnect and remove stove, refrigerator and sink; over-the-counter permit to demolish unwarranted rental unit; incorporating cottage back into and with the lower flat). APPLICATION NO. 2014/05/07/5151. PUBLIC HEARING HELD ON NOV. 05, 2014. FOR FURTHER CONSIDERATION TODAY. **Note: matter was continued to allow Vice President Hurtado and Commissioner Wilson to participate in the final vote; additional briefing is allowed.**

ACTION: Upon motion by Vice President Honda, the Board voted 2-2 (Commissioners Fung and Wilson dissenting) to grant the appeal and deny the permit on the basis that it was improperly issued. Lacking the three votes needed to pass, this motion failed. With no further motion made, the permit was upheld by operation of law.

SPEAKERS: Dave Crow, attorney for appellant; Karen Uchiyama, attorney for permit holder; Scott Sanchez, ZA.

PUBLIC COMMENT: Norma De laFuente spoke in support of the permit holder.

(9) **APPEAL NO. 14-190**

FRANCIS D. RYAN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1055 Ashbury Street. Protesting the GRANTING on November 06, 2014, to Chris Durkin, of a Rear Yard Variance (construct a three-story, single-family residence on a vacant lot). CASE NO. 2013.0771V. FOR HEARING TODAY.

ACTION: Upon motion by President Lazarus, the Board voted 4-0 to deny the appeal and uphold the variance on the basis that the Zoning Administrator did not err or abuse his discretion.

SPEAKERS: Francis Ryan, appellant; Tom Tunny, attorney for variance holder; Scott Sanchez, ZA.

PUBLIC COMMENT: Mark Blanchard spoke in support of the appellant. Kirk Scott, Howard Epstein and Ty Bash spoke in support of the variance holder.

(10) **APPEAL NO. 14-191**

JAMES COX & GEORGIA CREEL-COX, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1468 Masonic Avenue. Protesting the ISSUANCE on November 04, 2014, to David & Lillian Cook, of an Alteration Permit (rebuild existing rear yard fences to 10' max; comply with NOV No. 201491651). APPLICATION NO. 2014/09/16/6410. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0 to continue this matter to March 25, 2015 to allow the parties time to discuss settlement.

SPEAKERS: James Cox, appellant; Georgia Creel-Cox, appellant; David Cook, permit holder; Paul Fan, agent for permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(11) **APPEAL NO. 14-193**

JOSE & XENIA RAMOS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	34 Baltimore Way. Protesting the ISSUANCE on November 04, 2014, to Tiffany Ocon, of an Alteration Permit (comply with complaint No. 201192627; legalize deck under separate permit; remove illegal bathroom). APPLICATION NO. 2014/11/04/0617. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0 to deny the appeal and uphold the permit on the basis that it was correctly issued.

SPEAKERS: Courtney Brown, agent for appellants, Jose Ramos, appellant; Xenia Ramos, appellant; Raquel Fox, attorney for appellants; Tiffany Ocon, permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(12) **APPEAL NO. 14-194**

DONNA PARKE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2226 - 40th Avenue. Protesting the ISSUANCE on November 14, 2014, to Wen Tan, of an Alteration Permit (legalize existing wood deck at back of house; provide 1 hour fire rated wall and guardrail; legalize 1st floor bedrooms and bathroom per plan; comply with NOV No. 201490571). APPLICATION NO. 2014/09/24/7204. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0 to grant the appeal and issue the permit on the condition that a three foot high lattice be added above the firewall along the side of the deck bordering the appellant's property and on the basis that this will resolve the dispute between the neighbors.

SPEAKERS: Donna Parke, appellant; Raymond Chow, agent for permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

ADJOURNMENT

There being no further business, President Lazarus adjourned the meeting at 9:15 p.m.

City and County of San Francisco

Edwin M. Lee
Mayor

Board of Appeals

Cynthia G. Goldstein
Executive Director

PUBLIC NOTICE

The Board of Appeals has **NOT SCHEDULED** a meeting for February 04, 2015. The next regular meeting is scheduled for **WEDNESDAY, FEBRUARY 11, 2015**, City Hall, Room 416, 5:00 pm, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: **Jan. 28, 2015**

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, FEBRUARY 11, 2015

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) COMMISSIONER COMMENTS & QUESTIONS

(3) ADOPTION OF MINUTES

Discussion and possible adoption of the January 28, 2015 minutes.

(4) REHEARING REQUESTS

Subject properties at 1041, 1045-1059 and 1061 Broadway. Letter from Steve Kendrick, agent for Russian Hill Neighbors, appellant, requesting rehearing of Appeal Nos. 06-132/133/134, Russian Hill Neighbors vs. DPW BUF, decided Jan. 14, 2015. At that time, the Board voted 3-1-1 (Commissioner Wilson dissented, one vacancy) to uphold the three permits on the basis that the subject trees should be renewed, and on condition that the five (5) replacements trees of a 48" box size be planted within four months. Permit Holders: Charles Mosser, Aaron Buchanan, Pat Milazzo, Joel Camarda, and Jose Gatchalian. ORDER NOS. 176,056 and 176, 057 and 176,055.

06-17-14 11:52 PCVD

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(5) **REHEARING REQUESTS**

Subject property at 2853-2857 Broderick Street. Letter from Irving Zaretsky, appellant, requesting rehearing of Appeal Nos. 13-173 & 14-179, Zaretsky vs. DPW BSM & Zaretsky vs. ZA, decided Jan. 14, 2015. At that time, the Board voted 4-0-1 (one vacancy) to uphold the Minor Sidewalk Encroachment (MSE) Permit on the basis that it is Code compliant, and to uphold the Request for Release of Suspension on the basis that the Zoning Administrator did not err or abuse his discretion. Permit Holder: Pamela Whitehead Family Trust. **MSE Permit:** construct new warped driveway for new garage entrance that will encroach 3'9" into the 15' public right of way; maintain existing planters fronting the subject property; Permit No. 13MSE-0158. **ZA Order:** requesting that the Dept. of Building Inspection release the suspension of BPA Nos. 2011/03/11/1905, 2011/03/25/2839, 2011/08/03/1630, 2012/09/26/0727 & 2013/09/24/7638 - various scopes of work including vertical/horizontal expansion.

(6) **APPEAL NO. 14-148**

THOMAS GODDARD, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	4121 - 20th Street. Protesting the ISSUANCE on August 12, 2014, to 20th Street Trust, of an Alteration Permit (increase basement ceiling height from 6' to 8' by excavating down; place new concrete slab; repair cracked plastering on 1st, 2nd and 3rd floors). APPLICATION NO. 2014/08/11/3496. PUBLIC HEARINGS HELD ON NOV. 12, 2014 AND JAN. 21, 2015. FOR FURTHER CONSIDERATION TODAY. **Note: matter was continued to allow additional time for the parties to work on a resolution to their dispute; no additional briefing is allowed.**

(7) **APPEAL NO. 14-195**

JACK OSWALD & ANNEKE SELEY, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	312 Green Street. Appealing the GRANTING on November 20, 2014, to Bruno & Suzanne Kanter, of a Rear Yard Variance (to construct a 3rd floor and 4th floor addition to a two-story, single-family building). CASE NO. 2013.1652V. FOR HEARING TODAY.

(8) **APPEAL NO. 14-196**

STAVROULA SKINAS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	15 Allison Street. Protesting the ISSUANCE on November 13, 2014, to Wei Pei Xi, of an Alteration Permit (comply with NOV No. 201472812; replace floor beams with PSL and replace columns with TS steel post and footing; new retaining wall at rear yard; provide as built drawings to reflect floor layout). APPLICATION NO. 2014/10/14/8725. FOR HEARING TODAY.

ITEMS (9A), (9B), AND (9C) SHALL BE HEARD TOGETHER:

(9A) **APPEAL NO. 14-197**

RUSS McCABE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1325 Kansas Street. Protesting the ISSUANCE on November 13, 2014, to Michael Welch, of an Alteration Permit (remove illegal kitchen and bedroom from 2nd floor; convert to legal use as rumpus room and storage; legalize existing bathroom). APPLICATION NO. 2014/11/12/1315. FOR HEARING TODAY.

(9B) **APPEAL NO. 14-198**

RUSS McCABE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1325 Kansas Street. Protesting the ISSUANCE on November 13, 2014, to Michael Welch, of an Electrical Permit (removal illegal unit at 2nd floor; cap utilities). APPLICATION NO. E2014/11/13/4364. FOR HEARING TODAY.

(9C) **APPEAL NO. 14-199**

RUSS McCABE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1325 Kansas Street. Protesting the ISSUANCE on November 13, 2014, to Michael Welch, of a Plumbing Permit (remove illegal kitchen; cap all utilities at source). APPLICATION NO. PP2014/11/13/745. FOR HEARING TODAY.

(10) **APPEAL NO. 14-200**

GRAHAM BELL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2256 - 36th Avenue. Protesting the ISSUANCE on November 21, 2014, to Jerry Chu, of an Alteration Permit (remove illegal kitchen at garage level; convert to legal use as laundry; cap utilities at source). APPLICATION NO. 2014/11/21/2248. FOR HEARING TODAY.

(11) **APPEAL NO. 14-201**

TERRY WOODS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	125 Crown Terrace. Protesting the ISSUANCE on December 05, 2014, to Mel Murphy, of an Alteration Permit (revision to BPA No. 2011/10/06/6315S; to document change to procedure and scope of construction due to damage to existing structure). APPLICATION NO. 2014/05/05/4881S. FOR HEARING TODAY.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8:00 a.m. to 5:00 p.m., 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8:00 a.m. to 5:00 p.m., 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **February 6, 2015**

MEMBERS OF THE BOARD OF APPEALS

ANN LAZARUS	PRESIDENT
DARRYL HONDA	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
BOBBIE WILSON	COMMISSIONER
VACANCY	----------

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed seven (7) minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

Those members of the public who intend to testify about a particular appeal and wish to have the Board give their testimony evidentiary weight for purposes of deciding the appeal are asked to take an oath. Please note that any member of the public may speak without being sworn-in pursuant to their rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code).

SPECIAL NOTES

If the Board continues a matter to a specific date that is announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 415-575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa.

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:30 p.m. one (1) Thursday prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies. Please note that names and addresses included in these submittals will become part of the public record. Submittals may be made anonymously.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

American sign language interpreters, translation services and/or sound enhancement will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing.

Intérpretes de lenguaje de señas americano, servicio de traducción y/o mejoramiento del sonido estará disponible a petición contactando con personal de la Junta al 415-575-6880 por lo menos 48 horas antes de la audiencia.

美国手语翻译, 翻译服务和/或声音增强将可在聆讯前48小时通过联系575-6880局人员要求.

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Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine.

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, FEBRUARY 11, 2015

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Ann Lazarus, Vice President Darryl Honda and Commissioner Frank Fung.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Bernie Curran, Senior Building Inspector, DBI; Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

ABSENT: Commissioner Bobbie Wilson.

(1) PUBLIC COMMENT

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PUBLIC COMMENT: Ken Tray representing United Educators of San Francisco spoke about the eviction of teachers living in San Francisco and the impact on the community when teachers must move out of San Francisco and commute to work.

(2) COMMISSIONER COMMENTS & QUESTIONS

SPEAKERS: None.

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(3) ADOPTION OF MINUTES

Discussion and possible adoption of the January 28, 2014 minutes.

ACTION: Upon motion by Vice President Honda, the Board voted 3-0-1 (Commissioner Wilson absent) to adopt the January 28, 2014 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **REHEARING REQUESTS**

Subject properties at 1041, 1045-1059 and 1061 Broadway. Letter from Steve Kendrick, agent for Russian Hill Neighbors, appellant, requesting rehearing of Appeal Nos. 06-132/133/134, Russian Hill Neighbors vs. DPW BUF, decided Jan. 14, 2015. At that time, the Board voted 3-1-1 (Commissioner Wilson dissented, one vacancy) to uphold the three permits on the basis that the subject trees should be renewed, and on condition that the five (5) replacements trees of a 48" box size be planted within four months. Permit Holders: Charles Mosser, Aaron Buchanan, Pat Milazzo, Joel Camarda, and Jose Gatchalian. ORDER NOS. 176,056 and 176, 057 and 176,055.

ACTION: This matter was withdrawn prior to hearing.

(5) **REHEARING REQUESTS**

Subject property at 2853-2857 Broderick Street. Letter from Irving Zaretsky, appellant, requesting rehearing of Appeal Nos. 13-173 & 14-179, Zaretsky vs. DPW BSM & Zaretsky vs. ZA, decided Jan. 14, 2015. At that time, the Board voted 4-0-1 (one vacancy) to uphold the Minor Sidewalk Encroachment (MSE) Permit on the basis that it is Code compliant, and to uphold the Request for Release of Suspension on the basis that the Zoning Administrator did not err or abuse his discretion. Permit Holder: Pamela Whitehead Family Trust. **MSE Permit:** construct new warped driveway for new garage entrance that will encroach 3'9" into the 15' public right of way; maintain existing planters fronting the subject property; Permit No. 13MSE-0158. **ZA Order:** requesting that the Dept. of Building Inspection release the suspension of BPA Nos. 2011/03/11/1905, 2011/03/25/2839, 2011/08/03/1630, 2012/09/26/0727 & 2013/09/24/7638 - various scopes of work including vertical/horizontal expansion.

ACTION: Upon motion by Commissioner Fung, the Board voted 3-0-1 (Commissioner Wilson absent) to deny the requests.

SPEAKERS: Irving Zaretsky, requestor; Ilene Dick, attorney for permit holder.

PUBLIC COMMENT: None.

(6) **APPEAL NO. 14-148**

THOMAS GODDARD, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	4121 - 20th Street. Protesting the ISSUANCE on August 12, 2014, to 20th Street Trust, of an Alteration Permit (increase basement ceiling height from 6' to 8' by excavating down; place new concrete slab; repair cracked plastering on 1st, 2nd and 3rd floors). APPLICATION NO. 2014/08/11/3496. PUBLIC HEARINGS HELD ON NOV. 12, 2014 AND JAN. 21, 2015. FOR FURTHER CONSIDERATION TODAY. **Note: matter was continued to allow additional time for the parties to work on a resolution to their dispute; no additional briefing is allowed.**

ACTION: Upon motion by Commissioner Fung, the Board voted 3-0-1 (Commissioner Wilson absent) to grant the appeal and uphold the permit on the condition that (1) the permit be revised as indicated in the plan set dated February 11, 2015, and (2) the appellant be provided with a copy of this plan set; and on the basis that the original design was incomplete.

SPEAKERS: Thomas Goddard, appellant; Jonathan Black, attorney for permit holder; Bryan Talmadge, agent for permit holder; Joseph Duffy, DBI; Bernie Curran, DBI.

PUBLIC COMMENT: None.

(7) **APPEAL NO. 14-195**

JACK OSWALD & ANNEKE SELEY, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	312 Green Street. Appealing the GRANTING on November 20, 2014, to Bruno & Suzanne Kanter, of a Rear Yard Variance (to construct a 3rd floor and 4th floor addition to a two-story, single-family building). CASE NO. 2013.1652V. FOR HEARING TODAY.

ACTION: Upon motion by President Lazarus, the Board voted 2-1-1 (Commissioner Fung dissented and Commissioner Wilson absent) to deny the appeal and uphold the variance on the basis that it meets the required criteria. Lacking the three votes needed to pass, the motion failed. With no further motion made, the variance was upheld by operation of law.

SPEAKERS: Anneke Seley, appellant; Ryan Patterson, attorney for appellants; Patrick Buscovich, agent for appellants; Michael Profant, attorney for appellants; Bruno Kanter, variance holder; Suzanne Kanter, variance holder; Scott Sanchez, ZA.

PUBLIC COMMENT: Christopher Glynn, Anne Muldoon, Andy Proehl, Peter Swann, Lyn Oswald, Sarah Cooper, Charissa Franklin, Nadine Ginzberg, Allen Laucke, Jeff Weinberger, Anne Arquit Niederberger, Sanjay Wagle and Melanie Ali spoke in support of the appellants. Peter Zapponi,

Brant Blower, Joel Baumgardner, Brigitte Kanter, David Diamatto, Arnie Lerner, Jodi Daprano and Ian Cooley spoke in support of the variance holders.

(8) **APPEAL NO. 14-196**

STAVROULA SKINAS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	15 Allison Street. Protesting the ISSUANCE on November 13, 2014, to Wei Pei Xi, of an Alteration Permit (comply with NOV No. 201472812; replace floor beams with PSL and replace columns with TS steel post and footing; new retaining wall at rear yard; provide as built drawings to reflect floor layout). APPLICATION NO. 2014/10/14/8725. FOR HEARING TODAY.

ACTION: This matter was withdrawn at the hearing and was not heard.

SPEAKERS: Nick Skinas, appellant.

PUBLIC COMMENT: None.

ITEMS (9A), (9B), AND (9C) SHALL BE HEARD TOGETHER:

(9A) **APPEAL NO. 14-197**

RUSS McCABE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1325 Kansas Street. Protesting the ISSUANCE on November 13, 2014, to Michael Welch, of an Alteration Permit (remove illegal kitchen and bedroom from 2nd floor; convert to legal use as rumpus room and storage; legalize existing bathroom). APPLICATION NO. 2014/11/12/1315. FOR HEARING TODAY.

(9B) **APPEAL NO. 14-198**

RUSS McCABE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1325 Kansas Street. Protesting the ISSUANCE on November 13, 2014, to Michael Welch, of an Electrical Permit (removal illegal unit at 2nd floor; cap utilities). APPLICATION NO. E2014/11/13/4364. FOR HEARING TODAY.

(9C) **APPEAL NO. 14-199**

RUSS McCABE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1325 Kansas Street. Protesting the ISSUANCE on November 13, 2014, to Michael Welch, of a Plumbing Permit (remove illegal kitchen; cap all utilities at source). APPLICATION NO. PP2014/11/13/745. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Honda, the Board voted 3-0-1 (Commissioner Wilson absent) to grant the appeals and deny the permits on the basis that the Planning Department failed to follow its procedures.

SPEAKERS: Alex Merchant, attorney for appellant; Russ McCabe, appellant; Daniel Bornstein, attorney for permit holder; Scott Sanchez, ZA, Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(10) **APPEAL NO. 14-200**

GRAHAM BELL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2256 - 36th Avenue. Protesting the ISSUANCE on November 21, 2014, to Jerry Chu, of an Alteration Permit (remove illegal kitchen at garage level; convert to legal use as laundry; cap utilities at source). APPLICATION NO. 2014/11/21/2248. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Honda, the Board voted 3-0-1 (Commissioner Wilson absent) to deny the appeal and uphold the permit on the basis that it was properly issued.

SPEAKERS: Kimberly Rohrbach, agent for appellant; Graham Bell, appellant; Robert Cohen, attorney for permit holder; Jerry Chu, permit holder; Reese Jenkins, agent for permit holder; Daniel Chu, agent for permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(11) **APPEAL NO. 14-201**

TERRY WOODS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	125 Crown Terrace. Protesting the ISSUANCE on December 05, 2014, to Mel Murphy, of an Alteration Permit (revision to BPA No. 2011/10/06/6315S; to document change to procedure and scope of construction due to damage to existing structure). APPLICATION NO. 2014/05/05/4881S. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 3-0-1 (Commissioner Wilson absent) to deny the appeal and uphold the permit on the basis that the Department of Building Inspection determination is sound and was not made in error.

SPEAKERS: Terry Woods, appellant; Craig Nikitas, agent for permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI; Bernie Curran, DBI.

PUBLIC COMMENT: Annie Rosenbloom and Sam Woods spoke in support of the appellant. Ramona Albright and John Keogan spoke in support of the permit holder.

ADJOURNMENT.

There being no further business, President Lazarus adjourned the meeting at 9:45 p.m.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, FEBRUARY 18, 2015

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) COMMISSIONER COMMENTS & QUESTIONS

(3) ADOPTION OF MINUTES

Discussion and possible adoption of the February 11, 2015 minutes.

(4) REHEARING REQUEST

Subject property at 34 Baltimore Way. Letter from Raquel Fox, attorney for Jose & Xenia Ramos, appellants, requesting rehearing of Appeal No. 14-193, Ramos vs. DBI, decided Jan. 28, 2015. At that time, the Board voted 4-0-1 (one vacancy) to uphold the permit on the basis that it was correctly issued. Permit Holder: Tiffany Ocon. Project: comply with complaint No. 201192627; legalize deck under separate permit; remove illegal bathroom; BPA No. 2014/11/04/0617.

(5) **APPEAL NO. 14-146**

GEORGE & MYRTA MATULA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	1410 Stanyan Street. Protesting the ISSUANCE on August 07, 2014, to KM 26th Street Properties LLC, of a STREET IMPROVEMENT PERMIT (construct new 15' wide concrete sidewalk and concrete curb per City standards to provide a walking path from Clarendon Avenue to access the subject property). PERMIT NO. 14IE-0730. FOR REHEARING TODAY. **Note: on 12/17/14, the Board voted to uphold the subject permit; on 1/14/15, the Board voted to grant the appellants' rehearing request and to schedule the rehearing for 2/18/15.**

(6) **APPEAL NO. 14-203**

DAVID & JENNIFER NICHOLSON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2250 - 34th Avenue. Protesting the ISSUANCE on October 03, 2014, to Growth Equity Partners, of an Alteration Permit (comply with NOV No. 201489971; media room; add two bedrooms, one bathroom, and laundry at 1st floor per plan; add deck at rear at 2nd floor). APPLICATION NO. 2014/08/21/4454. FOR HEARING TODAY.

(7) **ADOPTION OF BUDGET**

Discussion and possible adoption of the departmental budgets for FY15-16 and FY16-17.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda. Date posted: **February 13, 2015**

MEMBERS OF THE BOARD OF APPEALS

ANN LAZARUS	PRESIDENT
DARRYL HONDA	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
BOBBIE WILSON	COMMISSIONER
*** VACANCY ***	----------

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed seven (7) minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

Those members of the public who intend to testify about a particular appeal and wish to have the Board give their testimony evidentiary weight for purposes of deciding the appeal are asked to take an oath. Please note that any member of the public may speak without being sworn-in pursuant to their rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code).

SPECIAL NOTES

If the Board continues a matter to a specific date that is announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 415-575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa.

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:30 p.m. one (1) Thursday prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the

official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies. Please note that names and addresses included in these submittals will become part of the public record. Submittals may be made anonymously.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

American sign language interpreters, translation services and/or sound enhancement will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing.

Intérpretes de lenguaje de señas americano, servicio de traducción y/o mejoramiento del sonido estará disponible a petición contactando con personal de la Junta al 415-575-6880 por lo menos 48 horas antes de la audiencia.

美国手语翻译, 翻译服务和/或声音增强将可在聆讯前48小时通过联系575-6880局人员要求.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Board's web site, www.sfgov.org/boa.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGOVTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, FEBRUARY 18, 2015

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Ann Lazarus, Vice President Darryl Honda, Commissioner Frank Fung and Commissioner Bobbie Wilson.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

(1) PUBLIC COMMENT

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

PUBLIC COMMENT: None.

(2) COMMISSIONER COMMENTS & QUESTIONS

SPEAKERS: None.

(3) ADOPTION OF MINUTES

Discussion and possible adoption of the February 11, 2015 minutes.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0 to adopt the February 11, 2015 minutes with corrections to how the vote count is reflected.

SPEAKERS: None.

PUBLIC COMMENT: None.

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(4) **REHEARING REQUEST**

Subject property at 34 Baltimore Way. Letter from Raquel Fox, attorney for Jose & Xenia Ramos, appellants, requesting rehearing of Appeal No. 14-193, Ramos vs. DBI, decided Jan. 28, 2015. At that time, the Board voted 4-0-1 (one vacancy) to uphold the permit on the basis that it was correctly issued. Permit Holder: Tiffany Ocon. Project: comply with complaint No. 201192627; legalize deck under separate permit; remove illegal bathroom; BPA No. 2014/11/04/0617.

ACTION: Upon motion by Vice President Honda, the Board voted 4-0 to deny the request.

SPEAKERS: Courtney Brown, agent for requestor; Tiffany Ocon, permit holder; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 14-146**

GEORGE & MYRTA MATULA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	1410 Stanyan Street. Protesting the ISSUANCE on August 07, 2014, to KM 26th Street Properties LLC, of a STREET IMPROVEMENT PERMIT (construct new 15' wide concrete sidewalk and concrete curb per City standards to provide a walking path from Clarendon Avenue to access the subject property). PERMIT NO. 14IE-0730. FOR REHEARING TODAY. **Note: on 12/17/14, the Board voted to uphold the subject permit; on 1/14/15, the Board voted to grant the appellants' rehearing request and to schedule the rehearing for 2/18/15.**

ACTION: This matter was withdrawn prior to hearing.

(6) **APPEAL NO. 14-203**

DAVID & JENNIFER NICHOLSON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2250 - 34th Avenue. Protesting the ISSUANCE on October 03, 2014, to Growth Equity Partners, of an Alteration Permit (comply with NOV No. 201489971; media room; add two bedrooms, one bathroom, and laundry at 1st floor per plan; add deck at rear at 2nd floor). APPLICATION NO. 2014/08/21/4454. FOR HEARING TODAY.

ACTION: This matter was withdrawn prior to hearing.

(7) **ADOPTION OF BUDGET**

Discussion and possible adoption of the departmental budgets for FY15-16 and FY16-17.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0 to adopt the budget proposals.

SPEAKERS: Director Goldstein provided information to the Board on the status of the current fiscal year's budget and on the proposed budgets for the two upcoming fiscal years.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Lazarus adjourned the meeting at 5:40 p.m.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, FEBRUARY 25, 2015

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) COMMISSIONER COMMENTS & QUESTIONS

(3) ADOPTION OF MINUTES

Discussion and possible adoption of the February 18, 2015 minutes.

(4) REHEARING REQUEST

Subject property at 926 Garfield Street. Letter from Lynn Mahr, appellant, requesting rehearing of Appeal No. 14-150, Mahr vs. DBI, decided Jan. 28, 2015. At that time, the Board voted 4-0-1 (one vacancy) to uphold the permit on the basis that it was properly issued. Permit Holder: Lily Esteban. Project: two walls and one door to be removed; garage to be restored to original condition; BPA No. 2014/08/25/4676.

(5) REHEARING REQUEST

Subject property at 3828 Cesar Chavez Street. Letter from Dave Crow, attorney for Pamela Miller, appellant, requesting rehearing of Appeal No. 14-099, Miller vs. DBI, decided Jan. 28, 2015. At that time, the Board voted 2-2-1 (Commissioners Fung & Wilson dissented, one vacancy) to deny the permit on the basis that it was improperly issued; three (3) votes being required under the City Charter to overturn or modify a departmental action, the subject permit was upheld by default. Permit Holder: Hela Campbell. Project: disconnect and remove stove, refrigerator and sink; over-the-counter permit to demolish unwarranted rental unit; incorporating cottage back into and with the lower flat; BPA No. 2014/05/07/5151.

(6) **APPEAL NO. 15-008**

HAYES VALLEY NEIGHBORHOOD ASSOCIATION, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	580 Hayes Street. Protesting the ISSUANCE on December 31, 2014, to Laguna Hayes LLC, of a Tree Removal Permit (approval of request to remove two (2) privately maintained street trees). ORDER NO. 183234. FOR HEARING TODAY.

(7) **APPEAL NO. 15-003**

DMITRI CORNET, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	995 Market Street. Protesting the ISSUANCE on December 23, 2014, to Yummy Hot Dogs, of a Mobile Food Facility Permit (sale of hot dogs, pretzels, chips, juices, and cold drinks). PERMIT NO. 13MFF-0115. FOR HEARING TODAY.

(8) **APPEAL NO. 15-013**

FRANCIS OFFERMANN III, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	Multiple locations. Protesting the ISSUANCE on January 02, 2015, to Proven Management Inc., of a NIGHT NOISE AUTHORIZATION PERMIT (permission to work at night on the Sunset Tunnel Trackway Improvement Project). PERMIT NO. 15N-0001. FOR HEARING TODAY.

(9) **APPEAL NO. 14-152**

SUNHILL ENTERPRISES LP, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2144 Hayes Street. Protesting the ISSUANCE on August 14, 2014, to Brian Ito & Hui Lin, Letter of Determination (regarding whether commercial uses are allowed in the subject building's residential garage and whether parking is allowed in the back yard). FOR HEARING TODAY.

ITEMS (10A) AND (10B) SHALL BE HEARD TOGETHER:

(10A) **APPEAL NO. 14-207**

ANTHONY GRUMBACH & KATHERINE POOLE, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1784 Sanchez Street. Protesting the GRANTING on October 08, 2014, to James Monschke & Anastasia Micheals, of a Rear Yard Variance (construct a two-story horizontal addition at the rear of the building). CASE NO. 2013.0831V. JURISDICTION GRANTED DEC. 17, 2014. FOR HEARING TODAY.

(10B) **APPEAL NO. 15-002**

ANTHONY GRUMBACH & KATHERINE POOLE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1784 Sanchez Street. Protesting the ISSUANCE on January 23, 2015, to James Monschke & Anastasia Micheals, of an Alteration Permit (rear addition to include master bedroom, family room, and interior stairs; scope to include some doors and windows as well as electrical and plumbing work). APPLICATION NO. 2014/03/14/0813S. FOR HEARING TODAY.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **February 20, 2015**

MEMBERS OF THE BOARD OF APPEALS

ANN LAZARUS	PRESIDENT
DARRYL HONDA	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
BOBBIE WILSON	COMMISSIONER
*** VACANCY ***	----------

PROCEDURE AT HEARINGS

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SPECIAL NOTES

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ten copies. Please note that names and addresses included in these submittals will become part of the public record. Submittals may be made anonymously.

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, FEBRUARY 25, 2015

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Ann Lazarus, Vice President Darryl Honda, Commissioner Frank Fung and Commissioner Bobbie Wilson.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Nick Elsner, Senior Plan Checker, Department of Public Works Bureau of Street Use and Mapping (DPW BSM); Rahul Shah, DPW BSM; Chris Buck, Acting Urban Forester, Department of Public Works Bureau of Urban Forestry (DPW BUF); Vince Harris, Director, Capital Programs and Construction, Municipal Transportation Agency (MTA); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

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(1) **PUBLIC COMMENT**

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PUBLIC COMMENT: None.

(2) **COMMISSIONER COMMENTS & QUESTIONS**

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SPEAKERS: None.

(3) **ADOPTION OF MINUTES**

Discussion and possible adoption of the February 18, 2015 minutes.

ACTION: Upon motion by Vice President Honda, the Board voted 4-0 to adopt the February 18, 2015 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **REHEARING REQUEST**

Subject property at 926 Garfield Street. Letter from Lynn Mahr, appellant, requesting rehearing of Appeal No. 14-150, Mahr vs. DBI, decided Jan. 28, 2015. At that time, the Board voted 4-0-1 (one vacancy) to uphold the permit on the basis that it was properly issued. Permit Holder: Lily Esteban. Project: two walls and one door to be removed; garage to be restored to original condition; BPA No. 2014/08/25/4676.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0 to deny the request.

SPEAKERS: Lynn Mahr, requestor; Lily Esteban, permit holder; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(5) **REHEARING REQUEST**

Subject property at 3828 Cesar Chavez Street. Letter from Dave Crow, attorney for Pamela Miller, appellant, requesting rehearing of Appeal No. 14-099, Miller vs. DBI, decided Jan. 28, 2015. At that time, the Board voted 2-2-1 (Commissioners Fung & Wilson dissented, one vacancy) to deny the permit on the basis that it was improperly issued; three (3) votes being required under the City Charter to overturn or modify a departmental action, the subject permit was upheld by default. Permit Holder: Hela Campbell. Project: disconnect and remove stove, refrigerator and sink; over-the-counter permit to demolish unwarranted rental unit; incorporating cottage back into and with the lower flat; BPA No. 2014/05/07/5151.

ACTION: Upon motion by Commissioner Fung, the Board voted 3-1 (Vice President Honda dissented) to deny the request.

SPEAKERS: Dave Crow, attorney for requestor; Alfonso Bazorta, agent for permit holder; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

(6) **APPEAL NO. 15-008**

HAYES VALLEY NEIGHBORHOOD ASSOCIATION, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	580 Hayes Street. Protesting the ISSUANCE on December 31, 2014, to Laguna Hayes LLC, of a Tree Removal Permit (approval of request to remove two (2) privately maintained street trees). ORDER NO. 183234. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Honda, the Board voted 2-2 (President Lazarus and Commissioner Wilson dissented) to deny the appeal and uphold the permit on the condition that the replacement trees on Hayes Street be of a 48" box size and on the basis that the Department

did not err in issuing the permit. Lacking the three votes required to pass, the motion failed. With no further motion made, the permit was upheld by operation of law.

SPEAKERS: Jay Rosenberg, agent for appellant; Robert Isackson, agent for permit holder; Marta Fry, agent for permit holder; Chris Buck, DPW BUF.

PUBLIC COMMENT: Gail Baugh, Jim Warshell and Patricia Miller spoke in support of the appellant. Sonja Trauss spoke in support of the permit holder.

(7) **APPEAL NO. 15-003**

DMITRI CORNET, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	995 Market Street. Protesting the ISSUANCE on December 23, 2014, to Yummy Hot Dogs, of a Mobile Food Facility Permit (sale of hot dogs, pretzels, chips, juices, and cold drinks). PERMIT NO. 13MFF-0115. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0 to grant the appeal and uphold the permit on the condition that the location at 954 Market Street be moved at least 15 feet to the east and on the basis that this will resolve the dispute.

SPEAKERS: Dmitri Cornet, appellant; Axe Madrid, agent for appellant; Farid Bakhtary, permit holder; Rahul Shah, DPW BSM.

PUBLIC COMMENT: None.

(8) **APPEAL NO. 15-013**

FRANCIS OFFERMANN III, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	Multiple locations. Protesting the ISSUANCE on January 02, 2015, to Proven Management Inc., of a NIGHT NOISE AUTHORIZATION PERMIT (permission to work at night on the Sunset Tunnel Trackway Improvement Project). PERMIT NO. 15N-0001. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0 to grant the appeal and uphold the permit with the adoption of the conditions agreed to by the parties as reflected in a document submitted to the Board dated February 25, 2015, and to extend the time frame of the permit to July 31, 2015; on the basis that it reflects the agreement of the parties.

SPEAKERS: Francis Offerman, appellant; Sean Summers, agent for permit holder; Nick Elsner, DPW BSM; Vince Harris, MTA.

PUBLIC COMMENT: None.

(9) **APPEAL NO. 14-152**

SUNHILL ENTERPRISES LP, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2144 Hayes Street. Protesting the ISSUANCE on August 14, 2014, to Brian Ito & Hui Lin, Letter of Determination (regarding whether commercial uses are allowed in the subject building's residential garage and whether parking is allowed in the back yard). FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0 to deny the appeal and uphold the Letter of Determination on the basis the Zoning Administrator did not err or abuse his discretion.

SPEAKERS: Niall Vignoles, attorney for appellant; Alix Rosenthal, attorney for determination holders; Brian Ito, determination holder; Scott Sanchez, ZA.

PUBLIC COMMENT: Holly Barbare spoke in support of the determination holders.

ITEMS (10A) AND (10B) SHALL BE HEARD TOGETHER:

(10A) **APPEAL NO. 14-207**

ANTHONY GRUMBACH & KATHERINE POOLE, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1784 Sanchez Street. Protesting the GRANTING on October 08, 2014, to James Monschke & Anastasia Micheals, of a Rear Yard Variance (construct a two-story horizontal addition at the rear of the building). CASE NO. 2013.0831V. JURISDICTION GRANTED DEC. 17, 2014. FOR HEARING TODAY.

(10B) **APPEAL NO. 15-002**

ANTHONY GRUMBACH & KATHERINE POOLE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1784 Sanchez Street. Protesting the ISSUANCE on January 23, 2015, to James Monschke & Anastasia Micheals, of an Alteration Permit (rear addition to include master bedroom, family room, and interior stairs; scope to include some doors and windows as well as electrical and plumbing work). APPLICATION NO. 2014/03/14/0813S. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0 to continue both matters to March 18, 2015 to allow time for further negotiations by the parties.

SPEAKERS: Anthony Grumbach, appellant; Patrick Buscovich, agent for appellants; Brett Gladstone, attorney for permit and variance holders; Anastasia Micheals, permit and variance holder; James Monschke, permit and variance holder; Rodrigo Santos, agent for permit and variance holders; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: Isabel Escalada spoke in support of the appellants. Amanda Jones, Kristin Hansen, Todd David, Frederic Musni, Karen Shaneyfelt, Barry Milgrom, Emmajean Meza, Ariana Downing and Mellina Musni spoke in support of the permit and variance holders.

ADJOURNMENT.

There being no further business, President Lazarus adjourned the meeting at 10:20 p.m.

City and County of San Francisco

Edwin M. Lee
Mayor

Board of Appeals

Cynthia G. Goldstein
Executive Director

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PUBLIC NOTICE

The Board of Appeals has **NOT SCHEDULED** a meeting for March 4, 2015 or March 11, 2015. The next regular meeting is scheduled for **Wednesday, March 18, 2015, in City Hall, Room 416, 5:00 p.m.,** One Dr. Carlton B. Goodlett Place.

Please feel free to call 415-575-6880 if there are any questions concerning this or any other appeal matter.

Date Posted: **February 27, 2015**

02-27-15A08:35 RCVD

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, MARCH 18, 2015

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) COMMISSIONER COMMENTS & QUESTIONS

(3) ADOPTION OF MINUTES

Discussion and possible adoption of the February 25, 2015 minutes.

(4) REHEARING REQUEST

Subject property at 2256 - 36th Avenue. Letter from Graham Bell, appellant, requesting rehearing of Appeal No. 14-200, Bell vs. DBI, decided Feb. 11, 2015. At that time, the Board voted 3-0-2 (one vacancy, Commissioner Wilson absent) to uphold the permit on the basis that it was correctly issued. Permit Holder: Jerry Chu. Project: remove illegal kitchen at garage level; convert to legal use as laundry; cap utilities at source; BPA No. 2014/11/21/2248.

(5) **JURISDICTION REQUEST**

Subject property at 1215 Bay Street. Letter from Brandon Levey, Kathryn Dunn and Leah Williams, requestor, asking that the Board take jurisdiction over BPA No. 2015/01/29/7057, which was issued on Jan. 30, 2015 by the Dept. of Building Inspection. The appeal period ended on Feb. 17, 2015, and the jurisdiction request was filed at the Board office on Feb. 26, 2015. Permit Holder: Johnson Chiao. Project: clean out fire damage; maintain egress at all times; maintain life/safety systems; light demolition/no structural; comply with NOV No. 201520541; fire rated separation in common areas.

(6) **APPEAL NO. 14-180**

SCOTT & JINEE ELLIS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1439 - 5th Avenue. Protesting the ISSUANCE on October 10, 2014, to Man Hay Lam, of an Alteration Permit (remodel kitchen 2nd floor; replace furnace; replace gypsum board at dining room, living room at 3rd floor, and bedroom at 2nd floor; new gypsum board at 3 bathrooms and 4 bedrooms). APPLICATION NO. 2014/10/10/8639. PUBLIC HEARING HELD ON JAN. 14, 2015; FOR FURTHER CONSIDERATION TODAY. **Note: this matter was continued to allow time for the DBI to conduct a site visit; additional briefing is allowed.**

ITEMS (7A) AND (7B) SHALL BE HEARD TOGETHER:

(7A) **APPEAL NO. 14-207**

ANTHONY GRUMBACH & KATHERINE POOLE, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1784 Sanchez Street. Protesting the GRANTING on October 08, 2014, to James Monschke & Anastasia Micheals, of a Rear Yard Variance (construct a two-story horizontal addition at the rear of the building). CASE NO. 2013.0831V. JURISDICTION GRANTED DEC. 17, 2014. PUBLIC HEARING HELD ON FEB. 25, 2015; FOR FURTHER CONSIDERATION TODAY. **Note: this matter was continued to allow time for further negotiations between the parties.**

(7B) **APPEAL NO. 15-002**

ANTHONY GRUMBACH & KATHERINE POOLE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1784 Sanchez Street. Protesting the ISSUANCE on January 23, 2015, to James Monschke & Anastasia Micheals, of an Alteration Permit (rear addition to include master bedroom, family room, and interior stairs; scope to include some doors and windows as well as electrical and plumbing work). APPLICATION NO. 2014/03/14/0813S. PUBLIC HEARING HELD ON FEB. 25, 2015; FOR FURTHER CONSIDERATION TODAY. **Note: this matter was continued to allow time for further negotiations between the parties.**

(8) **APPEAL NO. 14-204**

MELODY MAR, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	26 Hodges Alley. Protesting the GRANTING on December 04, 2014, to Heidi Liebes, of a Rear Yard Variance (construct a 3rd floor vertical addition and a horizontal side addition at the 1st and 2nd floors, which encroaches into the required rear yard). CASE NO. 2013.0783V. FOR HEARING TODAY.

(9) **APPEAL NO. 15-012**

MARC ANTHONY BRUNO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	15 Nobles Alley. Protesting the ISSUANCE on January 13, 2015, to Antonia Sweet Trust, of an Alteration Permit (revision to BPA No. 2014/11/17/1630; address correction from 472 Union Street #12 to 15 Nobles Alley #2). APPLICATION NO. 2015/01/13/5592. FOR HEARING TODAY.

(10) **APPEAL NO. 15-014**

LARRY NASEY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	1776 Green Street. Protesting the DENIAL on January 12, 2015, of an Alteration Permit (per complaint No. 201447551; legalize spray booth and move exhaust system approximately 30 feet from rear of property line; relocate restroom fixtures to meet ADA). APPLICATION NO. 2014/08/11/3502. FOR HEARING TODAY.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **March 13, 2015**

MEMBERS OF THE BOARD OF APPEALS

ANN LAZARUS	**PRESIDENT**
DARRYL HONDA	**VICE PRESIDENT**
FRANK FUNG	**COMMISSIONER**
BOBBIE WILSON	**COMMISSIONER**
***** VACANCY *****	----------

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed seven (7) minutes to present relevant testimony and evidence. Then the permit holder, representatives

of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

Those members of the public who intend to testify about a particular appeal and wish to have the Board give their testimony evidentiary weight for purposes of deciding the appeal are asked to take an oath. Please note that any member of the public may speak without being sworn-in pursuant to their rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code).

SPECIAL NOTES

If the Board continues a matter to a specific date that is announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 415-575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa.

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:30 p.m. one (1) Thursday prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies. Please note that names and addresses included in these submittals will become part of the public record. Submittals may be made anonymously.

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, MARCH 18, 2015

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Ann Lazarus, Vice President Darryl Honda, Commissioner Frank Fung and Commissioner Bobbie Wilson.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Bernie Curran, Senior Building Inspector, Department of Building Inspection (DBI); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

8/15

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PUBLIC COMMENT: None.

(2) **COMMISSIONER COMMENTS & QUESTIONS**

SPEAKERS: Commissioner Fung announced that he will be absent on April 15, 2015.

PUBLIC COMMENT: None.

(3) **ADOPTION OF MINUTES**

Discussion and possible adoption of the February 25, 2015 minutes.

ACTION: Upon motion by Vice President Honda, the Board voted 4-0 to adopt the February 25, 2015 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **REHEARING REQUEST**

Subject property at 2256 - 36th Avenue. Letter from Graham Bell, appellant, requesting rehearing of Appeal No. 14-200, Bell vs. DBI, decided Feb. 11, 2015. At that time, the Board voted 3-0-2 (one vacancy, Commissioner Wilson absent) to uphold the permit on the basis that it was correctly issued. Permit Holder: Jerry Chu. Project: remove illegal kitchen at garage level; convert to legal use as laundry; cap utilities at source; BPA No. 2014/11/21/2248.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0 to deny the request.

SPEAKERS: Graham Bell, requestor; Daniel Bornstein, attorney for permit holder; Fung Yee Chu, agent for permit holder.

PUBLIC COMMENT: None.

(5) **JURISDICTION REQUEST**

Subject property at 1215 Bay Street. Letter from Brandon Levey, Kathryn Dunn and Leah Williams, requestor, asking that the Board take jurisdiction over BPA No. 2015/01/29/7057, which was issued on Jan. 30, 2015 by the Dept. of Building Inspection. The appeal period ended on Feb. 17, 2015, and the jurisdiction request was filed at the Board office on Feb. 26, 2015. Permit Holder: Johnson Chiao. Project: clean out fire damage; maintain egress at all times; maintain life/safety systems; light demolition/no structural; comply with NOV No. 201520541; fire rated separation in common areas.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0 to deny the request.

SPEAKERS: Brandon Levey, requestor; Doug Wong, agent for permit holder; Patrick Duggan, agent for permit holder; Bernie Curran, DBI.

PUBLIC COMMENT: None.

(6) **APPEAL NO. 14-180**

SCOTT & JINEE ELLIS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1439 - 5th Avenue. Protesting the ISSUANCE on October 10, 2014, to Man Hay Lam, of an Alteration Permit (remodel kitchen 2nd floor; replace furnace; replace gypsum board at dining room, living room at 3rd floor, and bedroom at 2nd floor; new gypsum board at 3 bathrooms and 4 bedrooms). APPLICATION NO. 2014/10/10/8639. PUBLIC HEARING HELD ON JAN. 14, 2015; FOR FURTHER CONSIDERATION TODAY. **Note: this matter was continued to allow time for the DBI to conduct a site visit; additional briefing is allowed.**

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0 to continue this matter to May 13, 2015 to allow time for the permit to be canceled.

SPEAKERS: Jinee Ellis, appellant; Bernie Curran, DBI; Scott Sanchez, ZA. The permit holder did not appear.

PUBLIC COMMENT: None.

ITEMS (7A) AND (7B) SHALL BE HEARD TOGETHER:

(7A) **APPEAL NO. 14-207**

ANTHONY GRUMBACH & KATHERINE POOLE, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1784 Sanchez Street. Protesting the GRANTING on October 08, 2014, to James Monschke & Anastasia Micheals, of a Rear Yard Variance (construct a two-story horizontal addition at the rear of the building). CASE NO. 2013.0831V. JURISDICTION GRANTED DEC. 17, 2014. PUBLIC HEARING HELD ON FEB. 25, 2015; FOR FURTHER CONSIDERATION TODAY. **Note: this matter was continued to allow time for further negotiations between the parties.**

(7B) **APPEAL NO. 15-002**

ANTHONY GRUMBACH & KATHERINE POOLE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1784 Sanchez Street. Protesting the ISSUANCE on January 23, 2015, to James Monschke & Anastasia Micheals, of an Alteration Permit (rear addition to include master bedroom, family room, and interior stairs; scope to include some doors and windows as well as electrical and plumbing work). APPLICATION NO. 2014/03/14/0813S. PUBLIC HEARING HELD ON FEB. 25, 2015; FOR FURTHER CONSIDERATION TODAY. **Note: this matter was continued to allow time for further negotiations between the parties.**

ACTION: Upon motion by President Lazarus, the Board voted 4-0 to continue these matters to March 25, 2015 to allow more time for the parties to discuss settlement.

SPEAKERS: Katherine Poole, appellant; Anastasia Micheals, determination holder; Rodrigo Santos, agent for determination holders; Brett Gladstone, attorney for determination holders; Scott Sanchez, ZA.

PUBLIC COMMENT: Amanda Jones, Mellina Musni and Merrie Musni spoke in support of the determination holders.

(8) **APPEAL NO. 14-204**

MELODY MAR, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	26 Hodges Alley. Protesting the GRANTING on December 04, 2014, to Heidi Liebes, of a Rear Yard Variance (construct a 3rd floor vertical addition and a horizontal side addition at the 1st and 2nd floors, which encroaches into the required rear yard). CASE NO. 2013.0783V. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0 to deny the appeal and uphold the variance on the basis that the required findings have been met.

SPEAKERS: Melody Mar, appellant; Jody Knight, attorney for variance holder; Scott Sanchez, ZA.

PUBLIC COMMENT: Karen Ezekiel spoke in support of the variance holder.

(9) **APPEAL NO. 15-012**

MARC ANTHONY BRUNO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	15 Nobles Alley. Protesting the ISSUANCE on January 13, 2015, to Antonia Sweet Trust, of an Alteration Permit (revision to BPA No. 2014/11/17/1630; address correction from 472 Union Street #12 to 15 Nobles Alley #2). APPLICATION NO. 2015/01/13/5592. FOR HEARING TODAY.

ACTION: Upon motion by President Lazarus, the Board voted 4-0 to deny the appeal and uphold the permit on the basis that it was properly issued.

SPEAKERS: Marc Bruno, appellant; Daniel Bornstein, attorney for permit holder; Todd Muenter, agent for permit holder; Don Santos, agent for permit holder; Gabe Santos, agent for permit holder; Bernie Curran, DBI.

PUBLIC COMMENT: Joan Wood spoke in support of the appellant.

(10) **APPEAL NO. 15-014**

LARRY NASEY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	1776 Green Street. Protesting the DENIAL on January 12, 2015, of an Alteration Permit (per complaint No. 201447551; legalize spray booth and move exhaust system approximately 30 feet from rear of property line; relocate restroom fixtures to meet ADA). APPLICATION NO. 2014/08/11/3502. FOR HEARING TODAY.

ACTION: Upon motion by President Lazarus, the Board voted 3-1 (Vice President Honda dissented) to deny the appeal and uphold the denial of the permit on the basis that the desired use does not conform to the Planning Code.

SPEAKERS: Larry Nasey, appellant; Jaime Valle, agent for appellant; Bernie Curran, DBI; Scott Sanchez, ZA.

PUBLIC COMMENT: Ryan Patterson, Jonathan Kaplan, Patrick Buscovich, Mario Ballard, Albert Thuesen, Richard Merryman and Michael Profant spoke in support of the departments.

ADJOURNMENT.

There being no further business, President Lazarus adjourned the meeting at 8:00 p.m.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, MARCH 25, 2015

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) COMMISSIONER COMMENTS & QUESTIONS

(3) ADOPTION OF MINUTES

Discussion and possible adoption of the March 18, 2015 minutes.

03-20-15A11:32 RCVD

(4) APPEAL NO. 14-176

JASON BLEY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	731 Commercial Street. Protesting the ISSUANCE on October 03, 2014, to Charity Cultural Services Center, of an Alteration Permit (add 4 risers stair between 731 and 731 and provide improved entrance accessibility to 731; new doors to match wood existing and to include power door assist). APPLICATION NO. 2014/09/30/7675. PUBLIC HEARINGS HELD ON DEC. 17, 2014 AND JAN. 21, 2015. FOR FURTHER CONSIDERATION TODAY. **Note: matter was continued to allow time for the DBI to conduct a site inspection regarding ADA requirements; no additional briefing is allowed.**

ITEMS (5A) AND (5B) SHALL BE HEARD TOGETHER:

(5A) **APPEAL NO. 14-207**

ANTHONY GRUMBACH & KATHERINE POOLE, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1784 Sanchez Street. Protesting the GRANTING on October 08, 2014, to James Monschke & Anastasia Micheals, of a Rear Yard Variance (construct a two-story horizontal addition at the rear of the building). CASE NO. 2013.0831V. JURISDICTION GRANTED DEC. 17, 2014. PUBLIC HEARINGS HELD ON FEB. 25, 2015 AND MARCH 18, 2015; FOR FURTHER CONSIDERATION TODAY. **Note: this matter was continued to allow time for further negotiations between the parties.**

(5B) **APPEAL NO. 15-002**

ANTHONY GRUMBACH & KATHERINE POOLE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1784 Sanchez Street. Protesting the ISSUANCE on January 23, 2015, to James Monschke & Anastasia Micheals, of an Alteration Permit (rear addition to include master bedroom, family room, and interior stairs; scope to include some doors and windows as well as electrical and plumbing work). APPLICATION NO. 2014/03/14/0813S. PUBLIC HEARINGS HELD ON FEB. 25, 2015 AND MARCH 18, 2015; FOR FURTHER CONSIDERATION TODAY. **Note: this matter was continued to allow time for further negotiations between the parties.**

(6) **APPEAL NO. 15-015**

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant(s) vs. PLANNING COMMISSION, Respondent	340 Bryant Street. Protesting the ISSUANCE on January 08, 2015, to 140 Partners LP, of an ADOPTION OF FINDINGS FOR OFFICE ALLOCATION PURSUANT TO PLANNING CODE SECTION 321 (to authorize the conversion of 47,536 gross square feet of the existing 62,050 square foot building to office use). MOTION NO. 19311. FOR HEARING TODAY.

(7) **APPEAL NO. 15-018**

ELIO GARCIA & GLENDA CASTRO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2425 Folsom Street. Protesting the ISSUANCE on January 21, 2015, to Anny Fung, of an Alteration Permit (remove illegal kitchen; convert to laundry; legalize bedroom, study room, storage room; convert full bathroom into half bathroom; all work at ground floor). APPLICATION NO. 2015/01/20/6048. FOR HEARING TODAY.

(8) **APPEAL NO. 15-019**

PEI YUN SHEN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	695 - 3rd Avenue. Protesting the ISSUANCE on January 29, 2015, to Cathy Fox, of an Alteration Permit (vinyl siding to property line at back of building; total of 1600 square feet; northwest side elevation). APPLICATION NO. 2015/01/28/6937. FOR HEARING TODAY.

(9) **APPEAL NO. 15-017**

GREGORY FOX & ANITA RUUD, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2825 Lake Street. Protesting the GRANTING on January 15, 2015, to Michael Dorf, of a Rear Yard Variance (construct a rear horizontal addition and new 3rd floor that will extend into the required rear yard). CASE NO. 2010.0931V. FOR HEARING TODAY.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **March 20, 2015**

MEMBERS OF THE BOARD OF APPEALS

ANN LAZARUS	PRESIDENT
DARRYL HONDA	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
BOBBIE WILSON	COMMISSIONER
*** VACANCY ***	----------

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed seven (7) minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

Those members of the public who intend to testify about a particular appeal and wish to have the Board give their testimony evidentiary weight for purposes of deciding the appeal are asked to take an oath. Please note that any member of the public may speak without being sworn-in pursuant to their rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code).

SPECIAL NOTES

If the Board continues a matter to a specific date that is announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 415-575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa.

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:30 p.m. one (1) Thursday prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the

official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies. Please note that names and addresses included in these submittals will become part of the public record. Submittals may be made anonymously.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

American sign language interpreters, translation services and/or sound enhancement will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing.

Intérpretes de lenguaje de señas americano, servicio de traducción y/o mejoramiento del sonido estará disponible a petición contactando con personal de la Junta al 415-575-6880 por lo menos 48 horas antes de la audiencia.

美国手语翻译, 翻译服务和/或声音增强将可在聆讯前48小时通过联系575-6880局人员要求.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please
contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Board's web site, www.sfgov.org/boa.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGOVTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, MARCH 25, 2015

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Ann Lazarus, Vice President Darryl Honda and Commissioner Frank Fung.

ABSENT: Commissioner Bobbie Wilson.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

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(1) **PUBLIC COMMENT**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

PUBLIC COMMENT: None.

(2) **COMMISSIONER COMMENTS & QUESTIONS**

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SPEAKERS: None.

(3) **ADOPTION OF MINUTES**

Discussion and possible adoption of the March 18, 2015 minutes.

ACTION: Upon motion by Vice President Honda, the Board voted 3-0-1 (Commissioner Wilson absent) to adopt the March 18, 2015 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **APPEAL NO. 14-176**

JASON BLEY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	731 Commercial Street. Protesting the ISSUANCE on October 03, 2014, to Charity Cultural Services Center, of an Alteration Permit (add 4 risers stair between 731 and 731 and provide improved entrance accessibility to 731; new doors to match wood existing and to include power door assist). APPLICATION NO. 2014/09/30/7675. PUBLIC HEARINGS HELD ON DEC. 17, 2014 AND JAN. 21, 2015. FOR FURTHER CONSIDERATION TODAY. **Note: matter was continued to allow time for the DBI to conduct a site inspection regarding ADA requirements; no additional briefing is allowed.**

ACTION: Upon motion by President Lazarus, the Board voted 3-0-1 (Commissioner Wilson absent) to reschedule this appeal to May 6, 2015 at the request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

ITEMS (5A) AND (5B) SHALL BE HEARD TOGETHER:

(5A) **APPEAL NO. 14-207**

ANTHONY GRUMBACH & KATHERINE POOLE, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1784 Sanchez Street. Protesting the GRANTING on October 08, 2014, to James Monschke & Anastasia Micheals, of a Rear Yard Variance (construct a two-story horizontal addition at the rear of the building). CASE NO. 2013.0831V. JURISDICTION GRANTED DEC. 17, 2014. PUBLIC HEARING HELD ON FEB. 25, 2015; FOR FURTHER CONSIDERATION TODAY. **Note: this matter was continued to allow time for further negotiations between the parties.**

(5B) **APPEAL NO. 15-002**

ANTHONY GRUMBACH & KATHERINE POOLE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1784 Sanchez Street. Protesting the ISSUANCE on January 23, 2015, to James Monschke & Anastasia Micheals, of an Alteration Permit (rear addition to include master bedroom, family room, and interior stairs; scope to include some doors and windows as well as electrical and plumbing work). APPLICATION NO. 2014/03/14/0813S. PUBLIC HEARING HELD ON FEB. 25, 2015; FOR FURTHER CONSIDERATION TODAY. **Note: this matter was continued to allow time for further negotiations between the parties.**

ACTION: Upon motion by Commissioner Fung, the Board voted 3-0-1 (Commissioner Wilson absent) to grant the appeals and condition the variance and building permit on the plans submitted at the hearing dated March 25, 2015, and on the basis of the agreement of the parties and that the five finding required in order to grant a variance have been met.

SPEAKERS: Katherine Poole, appellant; Rodrigo Santos, agent for determination holders; Brett Gladstone, attorney for determination holders; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

(6) **APPEAL NO. 15-015**

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant(s) vs. PLANNING COMMISSION, Respondent	340 Bryant Street. Protesting the ISSUANCE on January 08, 2015, to 140 Partners LP, of an ADOPTION OF FINDINGS FOR OFFICE ALLOCATION PURSUANT TO PLANNING CODE SECTION 321 (to authorize the conversion of 47,536 gross square feet of the existing 62,050 square foot building to office use). MOTION NO. 19311. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 3-0-1 (Commissioner Wilson absent) to continue this matter to April 8, 2015.

SPEAKERS: Sue Hestor, attorney for appellant; John Kevlin, attorney for motion holder.

PUBLIC COMMENT: None.

(7) **APPEAL NO. 15-018**

ELIO GARCIA & GLENDA CASTRO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2425 Folsom Street. Protesting the ISSUANCE on January 21, 2015, to Anny Fung, of an Alteration Permit (remove illegal kitchen; convert to laundry; legalize bedroom, study room, storage room; convert full bathroom into half bathroom; all work at ground floor). APPLICATION NO. 2015/01/20/6048. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 3-0-1 (Commissioner Wilson absent) to grant the appeal and deny the permit on the basis that the scope of work is unclear and inaccurate.

SPEAKERS: Raquel Fox, attorney for appellant; Courtney Brown, agent for appellants; Elio Garcia, appellant; Glenda Castro, appellant; Shirlney Tung, attorney for permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(8) **APPEAL NO. 15-019**

PEI YUN SHEN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	695 - 3rd Avenue. Protesting the ISSUANCE on January 29, 2015, to Cathy Fox, of an Alteration Permit (vinyl siding to property line at back of building; total of 1600 square feet; northwest side elevation). APPLICATION NO. 2015/01/28/6937. FOR HEARING TODAY.

ACTION: Upon motion by President Lazarus, the Board voted 2-1-1 (Commissioner Fung dissented and Commissioner Wilson absent) to deny the appeal and uphold the permit on the basis that it was property issued. Lacking the three votes needed to pass, the motion failed. Upon motion by Commissioner Fung the Board voted 3-0-1 (Commissioner Wilson absent) to continue this appeal to April 15, 2015 to allow time for the parties to discuss settlement.

SPEAKERS: Tony Siu, agent for appellant; James Millar, attorney for permit holder; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(9) **APPEAL NO. 15-017**

GREGORY FOX & ANITA RUUD, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2825 Lake Street. Protesting the GRANTING on January 15, 2015, to Michael Dorf, of a Rear Yard Variance (construct a rear horizontal addition and new 3rd floor that will extend into the required rear yard). CASE NO. 2010.0931V. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 1-2-1 (President Lazarus and Vice President Honda dissented and Commissioner Wilson absent) to grant the appeal and deny the variance on the basis that findings 1, 2 and 3 have not been met. Lacking the three votes needed to pass, the motion failed. With no further motion made, the variance was upheld by operation of law.

SPEAKERS: Anita Ruud, appellant; Jim Reuben, attorney for variance holder; Scott Sanchez, ZA.

PUBLIC COMMENT: James Kessler, Tom Brooks and Tim Lefkowicz spoke in support of the appellants. Kristin Baehner, Erin Bailey Dev and Diane Wynne spoke in support of the variance holder.

ADJOURNMENT.

There being no further business, President Lazarus adjourned the meeting at 8:00 p.m.

PUBLIC NOTICE

The Board of Appeals has **NOT SCHEDULED** a meeting for April 01, 2015. The next regular meeting is scheduled for **WEDNESDAY, APRIL 08, 2015**, City Hall, Room 416, 5:00 pm, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: **March 27, 2015**

03-27-15P12:37 RCVD

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, APRIL 08, 2015

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) **COMMISSIONER COMMENTS & QUESTIONS**

(3) **ADOPTION OF MINUTES**

Discussion and possible adoption of the March 25, 2015 minutes.

(4) **APPEAL NO. 15-023**

KINANI AHMED dba "NILE CAFÉ", Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	544 Jones Street. Appealing the REVOCATION on January 27, 2015, of a Parklet Permit. ORDER NO. 183240. FOR HEARING TODAY.

(5) **APPEAL NO. 15-015**

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant(s) vs. PLANNING COMMISSION, Respondent	340 Bryant Street. Protesting the ISSUANCE on January 08, 2015, to 140 Partners LP, of an ADOPTION OF FINDINGS FOR OFFICE ALLOCATION PURSUANT TO PLANNING CODE SECTION 321 (to authorize the conversion of 47,536 gross square feet of the existing 62,050 square foot building to office use). MOTION NO. 19311. FOR HEARING TODAY.

ITEMS (6A) AND (6B) SHALL BE HEARD TOGETHER:

(6A) **APPEAL NO. 15-020**

GEORGIA SCHUTTISH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	437 Duncan Street. Protesting the ISSUANCE on January 21, 2015, to Risteard O'Sulleabhain, of a Demolition Permit (demolish one-story single-family dwelling with 690sf of ground floor area). APPLICATION NO. 2012/07/16/4978. FOR HEARING TODAY.

(6B) **APPEAL NO. 15-021**

GEORGIA SCHUTTISH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	437 Duncan Street. Protesting the ISSUANCE on January 21, 2015, to 437 Duncan LLC, of a Permit to Erect a Building (construct three-story, single-family dwelling with 1,423sf of ground floor area). APPLICATION NO. 2012/04/18/8570S. FOR HEARING TODAY.

(7) **APPEAL NO. 15-022**

BEN CADY, CHANDRA REDACK, PETER TAYLOR, BRAD ALDER, CHAD BENJAMIN POTTER, MANUEL RODRIGUEZ, ANN COOPER, MELISSA BRACERO, ADAM WOJEWIDKA, CHRIS BAKER, BRENDAN BARTHEL, CARINA ZONA, KARL HASS, JUAN ESCOBEDO, DARREN BROWN, BO MARCOL & CHRISTOPHER FIGUEROA, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1049-1051 Market Street. Protesting the ISSUANCE on February 02, 2015, to John Gall & Terry Bogart, of a Request for Release of Suspension (asking that the Dept. of Building Inspection release the suspension against BPA No. 2013/07/26/2890 - comply with NOV No. 200711850; demo of office walls on 5th floor through 1st floor). FOR HEARING TODAY.

(8) **APPEAL NO. 15-025**

MICHAEL PIERRON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	137 Elsie Street. Protesting the ISSUANCE on January 30, 2015, to Todd Catalini, of an Alteration Permit (add additional living level consisting of one bedroom, one bathroom, and living space to an existing two-story residence; improve existing lower level with walls, stairs, and bathroom; excavate below existing lower level for garage space; improve existing upper level with staircase to connect living levels; fire flow required). APPLICATION NO. 2014/01/15/6407S. FOR HEARING TODAY.

ITEMS (9A) AND (9B) SHALL BE HEARD TOGETHER:

(9A) **APPEAL NO. 15-029**

MARC ANTHONY BRUNO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	9 Nobles Alley. Protesting the ISSUANCE on February 12, 2015, to Antonia Sweet Trust, of an Alteration Permit (revision to BPA No. 2015/01/13/3559; layout changes for kitchen and bath remodel). APPLICATION NO. 2015/02/12/8220. FOR HEARING TODAY.

(9B) **APPEAL NO. 15-030**

MARC ANTHONY BRUNO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	7 Nobles Alley. Protesting the ISSUANCE on February 12, 2015, to Antonia Sweet Trust, of an Alteration Permit (revision to BPA No. 2015/01/13/5590; layout changes for kitchen and bath remodel). APPLICATION NO. 2015/02/12/8216. FOR HEARING TODAY.

ADJOURNMENT.

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Date posted: **April 03, 2015**

MEMBERS OF THE BOARD OF APPEALS

ANN LAZARUS	PRESIDENT
DARRYL HONDA	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
RICK SWIG	COMMISSIONER
BOBBIE WILSON	COMMISSIONER

PROCEDURE AT HEARINGS

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of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

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LOBBYING ACTIVITY

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www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Board's web site, www.sfgov.org/boa.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGOVTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, APRIL 8, 2015

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Ann Lazarus, Vice President Darryl Honda, Commissioner Frank Fung, Commissioner Rick Swig and Commissioner Bobbie Wilson.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

(1) PUBLIC COMMENT

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PUBLIC COMMENT: None.

(2) COMMISSIONER COMMENTS & QUESTIONS

SPEAKERS: President Lazarus welcomed and introduced Commissioner Rick Swig as the Board's newest member. Vice President Honda also welcomed Commissioner Swig to the Board.

(3) ADOPTION OF MINUTES

Discussion and possible adoption of the March 25, 2015 minutes.

ACTION: Upon motion by Vice President Honda, the Board voted 5-0 to adopt the March 25, 2015 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

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(4) **APPEAL NO. 15-023**

KINANI AHMED dba "NILE CAFÉ", Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	544 Jones Street. Appealing the REVOCATION on January 27, 2015, of a Parklet Permit. ORDER NO. 183240. FOR HEARING TODAY.

ACTION: Upon motion by President Lazarus, the Board voted 5-0 to reschedule this matter to May 13, 2015, as requested by the parties.

SPEAKERS: None.

PUBLIC COMMENT: Thomas Seneca, Rodney Castillo and David Wallace spoke against the rescheduling of this matter and in support of the appeal.

(5) **APPEAL NO. 15-015**

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant(s) vs. PLANNING COMMISSION, Respondent	340 Bryant Street. Protesting the ISSUANCE on January 08, 2015, to 140 Partners LP, of an ADOPTION OF FINDINGS FOR OFFICE ALLOCATION PURSUANT TO PLANNING CODE SECTION 321 (to authorize the conversion of 47,536 gross square feet of the existing 62,050 square foot building to office use). MOTION NO. 19311. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Swig recused) to deny the appeal and uphold the Planning Commission Motion on the basis that the office allocation program, with the proposed improvements, satisfies the basic criteria of Planning Code §321, with the adoption of the environmental findings made in Planning Commission Motion 17661 which are incorporated by reference.

SPEAKERS: Sue Hestor, attorney for appellant; John Kevlin, attorney for permit holder; Scott Sanchez, ZA.

PUBLIC COMMENT: Bob Planthold spoke in support of the appellant.

ITEMS (6A) AND (6B) SHALL BE HEARD TOGETHER:

(6A) **APPEAL NO. 15-020**

GEORGIA SCHUTTISH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	437 Duncan Street. Protesting the ISSUANCE on January 21, 2015, to Risteard O'Sulleabhain, of a Demolition Permit (demolish one-story single-family dwelling with 690sf of ground floor area). APPLICATION NO. 2012/07/16/4978. FOR HEARING TODAY.

(6B) **APPEAL NO. 15-021**

GEORGIA SCHUTTISH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	437 Duncan Street. Protesting the ISSUANCE on January 21, 2015, to 437 Duncan LLC, of a Permit to Erect a Building (construct three-story, single-family dwelling with 1,423sf of ground floor area). APPLICATION NO. 2012/04/18/8570S. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to deny the appeals and uphold the permits on the basis that the design was appropriately vetted by the Planning Department.

SPEAKERS: Georgia Schuttish, appellant; Jody Knight, attorney for permit holder; Cathlyne Scharetg, agent for permit holder; Scott Sanchez, ZA.

PUBLIC COMMENT: Leticia Gonzalez, Celia Rose and Petra Janopaul spoke in support of the appellant.

(7) **APPEAL NO. 15-022**

BEN CADY, CHANDRA REDACK, PETER TAYLOR, BRAD ALDER, CHAD BENJAMIN POTTER, MANUEL RODRIGUEZ, ANN COOPER, MELISSA BRACERO, ADAM WOJEWIDKA, CHRIS BAKER, BRENDAN BARTHEL, CARINA ZONA, KARL HASS, JUAN ESCOBEDO, DARREN BROWN, BO MARCOL & CHRISTOPHER FIGUEROA, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1049-1051 Market Street. Protesting the ISSUANCE on February 02, 2015, to John Gall & Terry Bogart, of a Request for Release of Suspension (asking that the Dept. of Building Inspection release the suspension against BPA No. 2013/07/26/2890 - comply with NOV No. 200711850; demo of office walls on 5th floor through 1st floor). FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-1 (President Lazarus dissented) to grant the appeal and overturn the Zoning Administrator on the basis that the Zoning Administrator erred in failing to recognize that the permit is defective.

SPEAKERS: Stephen Collier, attorney for appellants; Naomi Cooper, appellant; Kimo Crossman, agent for appellants; Andrew Zacks, attorney for permit holders; Pat Buscovich, agent for permit holders; Scott Sanchez, ZA.

PUBLIC COMMENT: Cory Birnberg, Jonathan Stoker, Tory Antoni, Tommi Avicolli Mecca, Sara Sherburn-Zimmer, Dennis Zaragoza, Steve Whetstone, Bethany Schwarz, Joe Bender, Ali Woolwich and Bobby Coleman spoke in support of the appellants. Peggy Mullin spoke in support of the permit holders.

(8) **APPEAL NO. 15-025**

MICHAEL PIERRON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	137 Elsie Street. Protesting the ISSUANCE on January 30, 2015, to Todd Catalini, of an Alteration Permit (add additional living level consisting of one bedroom, one bathroom, and living space to an existing two-story residence; improve existing lower level with walls, stairs, and bathroom; excavate below existing lower level for garage space; improve existing upper level with staircase to connect living levels; fire flow required). APPLICATION NO. 2014/01/15/6407S. FOR HEARING TODAY.

ACTION: This matter was withdrawn prior to hearing.

ITEMS (9A) AND (9B) SHALL BE HEARD TOGETHER:

(9A) **APPEAL NO. 15-029**

MARC ANTHONY BRUNO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	9 Nobles Alley. Protesting the ISSUANCE on February 12, 2015, to Antonia Sweet Trust, of an Alteration Permit (revision to BPA No. 2015/01/13/3559; layout changes for kitchen and bath remodel). APPLICATION NO. 2015/02/12/8220. FOR HEARING TODAY.

(9B) **APPEAL NO. 15-030**

MARC ANTHONY BRUNO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	7 Nobles Alley. Protesting the ISSUANCE on February 12, 2015, to Antonia Sweet Trust, of an Alteration Permit (revision to BPA No. 2015/01/13/5590; layout changes for kitchen and bath remodel). APPLICATION NO. 2015/02/12/8216. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to deny the appeals and uphold the permits on the basis that the faults alleged were not proven.

SPEAKERS: Marc Bruno, appellant; Daniel Bornstein, attorney for permit holder; Gabe Santos, agent for permit holder; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Lazarus adjourned the meeting at 9:15 p.m.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, APRIL 15, 2015

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) COMMISSIONER COMMENTS & QUESTIONS

(3) ADOPTION OF MINUTES

Discussion and possible adoption of the April 08, 2015 minutes.

(4) SPECIAL ITEM

Presentation by Department of Public Health and Police Department staff regarding new local ordinances addressing the sale of tobacco to minors, e-cigarettes and restrictions on the number of tobacco sales permits that may be issued.

(5) **JURISDICTION REQUEST**

Subject property at 130 – 19th Avenue. Letter from Su Chan Lin, requestor, asking that the Board take jurisdiction over BPA No. 2014/10/14/8858, which was issued on Jan. 13, 2015 by the Dept. of Building Inspection. The appeal period ended on Jan. 28, 2015, and the jurisdiction request was filed at the Board office on March 30, 2015. **Permit Holder:** Ping K. Toy. **Project:** remove illegal kitchen, bathroom, and bedroom at ground floor; convert rooms to storage rooms at 1st floor; comply with NOV No. 201031101.

(6) **REHEARING REQUEST**

Subject property at 15 Nobles Alley #2. Letter from Marc Anthony Bruno, appellant, requesting rehearing of Appeal No. 15-012, Bruno vs. DBI, decided March 18, 2015. At that time, the Board voted 4-0-1 (one vacancy) to uphold the permit on the basis it was property issued. **Permit Holder:** Antonia Sweet Trust. **Project:** revision to BPA No. 2014/11/17/1630; address correction from 472 Union Street #12 to 15 Nobles Alley #2; BPA No. 2015/01/13/5592.

(7) **APPEAL NO. 15-019**

PEI YUN SHEN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	695 - 3rd Avenue. Protesting the ISSUANCE on January 29, 2015, to Cathy Fox, of an Alteration Permit (vinyl siding to property line at back of building; total of 1600 square feet; northwest side elevation). APPLICATION NO. 2015/01/28/6937. PUBLIC HEARING HELD ON MARCH 25, 2015; FOR FURTHER CONSIDERATION TODAY. **Note: this matter was continued to allow time for further negotiations between the parties.**

(8) **APPEAL NO. 15-031**

SUSAN WOO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1779 - 25th Avenue. Protesting the ISSUANCE on February 23, 2015, of a Penalty (imposition of penalty for work done without a permit). APPLICATION NO. 2015/01/08/5180. FOR HEARING TODAY.

(9) **APPEAL NO. 15-024**

DANIEL WRIGHT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	300 Sussex Street. Protesting the ISSUANCE on January 28, 2015, to LLK LLC, of an Alteration Permit (change in openings on the west, south and east elevations for new windows and doors; removal of 2nd floor south elevation wall framed at incorrect location; existing wall at correct location to be re-finished in stucco to match the house; removal of passive solar roof system and replacement with new rafters; correct work per NOV No. 201519301). APPLICATION NO. 2015/01/21/6326. FOR HEARING TODAY.

(10) **APPEAL NO. 15-035**

ALFONSO BAZURTO TRUSTEE FOR HELA CAMPBELL, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	3828 Cesar Chavez Street. Appealing the ISSUANCE on February 26, 2015, of a Request for Revocation (asking that the Dept. of Building Inspection revoke BPA No. 2014/05/07/5151 because the Planning Department believes this permit was issued in error). FOR HEARING TODAY.

ADJOURNMENT.

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Date posted: **April 10, 2015**

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SUGGESTIONS TO IMPROVE EFFICIENCY

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
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San Francisco, California 94103

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, APRIL 15, 2015

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Ann Lazarus, Vice President Darryl Honda, Commissioner Rick Swig and Commissioner Bobbie Wilson.

ABSENT: Commissioner Frank Fung

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Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Derek Smith, Health Educator, Tobacco Free Project, Department of Public Health (DPH); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

(1) PUBLIC COMMENT

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

PUBLIC COMMENT: None.

(2) COMMISSIONER COMMENTS & QUESTIONS

SPEAKERS: Commissioner Swig announced that he will not attend the April 29, 2015 Board meeting.

(3) ADOPTION OF MINUTES

Discussion and possible adoption of the April 8, 2015 minutes.

ACTION: Upon motion by Commissioner Swig, the Board voted 4-0-1 (Commissioner Fung absent) to adopt the April 8, 2015 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **SPECIAL ITEM**

Presentation by Department of Public Health and Police Department staff regarding new local ordinances addressing the sale of tobacco to minors, e-cigarettes and restrictions on the number of tobacco sales permits that may be issued.

SPEAKERS: Derek Smith, DPH, described how the use of e-cigarettes by minors is growing at an alarming rate and discussed the efforts DPH is undertaking in conjunction with the San Francisco Police Department to enforce laws that prohibit the sale of e-cigarettes to minors and to educate tobacco sellers about these laws. Mr. Smith also discussed new legislation regulating the density of tobacco retailers in different neighborhoods.

PUBLIC COMMENT: None.

(5) **JURISDICTION REQUEST**

Subject property at 130 – 19th Avenue. Letter from Su Chan Lin, requestor, asking that the Board take jurisdiction over BPA No. 2014/10/14/8858, which was issued on Jan. 13, 2015 by the Dept. of Building Inspection. The appeal period ended on Jan. 28, 2015, and the jurisdiction request was filed at the Board office on March 30, 2015. **Permit Holder:** Ping K. Toy. **Project:** remove illegal kitchen, bathroom, and bedroom at ground floor; convert rooms to storage rooms at 1st floor; comply with NOV No. 201031101.

ACTION: Upon motion by President Lazarus, the Board voted 3-1-1 (Vice President Honda dissented and Commissioner Fung absent) to deny the request.

SPEAKERS: Tommi Avicolli Mecca, agent for requestor; Andrew Dai, attorney for permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: Debra Walker and John Friedberg spoke in support of the requestor.

(6) **REHEARING REQUEST**

Subject property at 15 Nobles Alley #2. Letter from Marc Anthony Bruno, appellant, requesting rehearing of Appeal No. 15-012, Bruno vs. DBI, decided March 18, 2015. At that time, the Board voted 4-0-1 (one vacancy) to uphold the permit on the basis it was property issued. **Permit Holder:** Antonia Sweet Trust. **Project:** revision to BPA No. 2014/11/17/1630; address correction from 472 Union Street #12 to 15 Nobles Alley #2; BPA No. 2015/01/13/5592.

ACTION: Upon motion by Vice President Honda, the Board voted 4-0-1 (Commissioner Fung absent) to deny the request.

SPEAKERS: Marc Bruno, requestor; Robert Cohen, attorney for permit holder; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(7) **APPEAL NO. 15-019**

PEI YUN SHEN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	695 - 3rd Avenue. Protesting the ISSUANCE on January 29, 2015, to Cathy Fox, of an Alteration Permit (vinyl siding to property line at back of building; total of 1600 square feet; northwest side elevation). APPLICATION NO. 2015/01/28/6937. PUBLIC HEARING HELD ON MARCH 25, 2015; FOR FURTHER CONSIDERATION TODAY. **Note: this matter was continued to allow time for further negotiations between the parties.**

ACTION: Upon motion by President Lazarus, the Board voted 4-0-1 (Commissioner Fung absent) to deny the appeal and uphold the permit on the basis that it was properly issued.

SPEAKERS: Tony Siu, agent for appellant; James Millar, attorney for permit holder; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(8) **APPEAL NO. 15-031**

SUSAN WOO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1779 - 25th Avenue. Protesting the ISSUANCE on February 23, 2015, of a Penalty (imposition of penalty for work done without a permit). APPLICATION NO. 2015/01/08/5180. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Honda, the Board voted 4-0-1 (Commissioner Fung absent) to grant the appeal and reduce the penalty to four times the permit fee on the basis that the cost of construction was overstated.

SPEAKERS: Susan Woo, appellant; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(9) **APPEAL NO. 15-024**

DANIEL WRIGHT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	300 Sussex Street. Protesting the ISSUANCE on January 28, 2015, to LLK LLC, of an Alteration Permit (change in openings on the west, south and east elevations for new windows and doors; removal of 2nd floor south elevation wall framed at incorrect location; existing wall at correct location to be re-finished in stucco to match the house; removal of passive solar roof system and replacement with new rafters; correct work per NOV No. 201519301). APPLICATION NO. 2015/01/21/6326. FOR HEARING TODAY.

ACTION: This matter was withdrawn prior to hearing.

(10) **APPEAL NO. 15-035**

ALFONSO BAZURTO TRUSTEE FOR HELA CAMPBELL, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	3828 Cesar Chavez Street. Appealing the ISSUANCE on February 26, 2015, of a Request for Revocation (asking that the Dept. of Building Inspection revoke BPA No. 2014/05/07/5151 because the Planning Department believes this permit was issued in error). FOR HEARING TODAY.

ACTION: Upon motion by President Lazarus, the Board voted 2-2-1 (Commissioner Wilson and Commissioner Swig dissented and Commissioner Fung absent) to deny the appeal and uphold the request for revocation on the basis that the Zoning Administrator did not err or abuse his discretion. Lacking the three votes needed to pass, the motion failed. With no further motion made, the request for revocation was upheld by operation of law.

SPEAKERS: Alfonso Bazurto, appellant; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: Norma De La Fuente spoke in support of the appellant. Dave Crow spoke in spoke in support of the Zoning Administrator.

ADJOURNMENT.

There being no further business, President Lazarus adjourned the meeting at 7:25 p.m.

PUBLIC NOTICE

The Board of Appeals has **NOT SCHEDULED** a meeting for April 22, 2015. The next regular meeting is scheduled for **WEDNESDAY, APRIL 29, 2015**, City Hall, Room 416, 5:00 pm, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: **April 17, 2015**

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, APRIL 29, 2015

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) COMMISSIONER COMMENTS & QUESTIONS

(3) ADOPTION OF MINUTES

Discussion and possible adoption of the April 15, 2015 minutes.

(4) JURISDICTION REQUESTS

Subject property at 2322 – 21st Avenue. Letter from Leslie O'Brien, requestor, asking that the Board take jurisdiction over Electrical Permit No. E2014/09/12/2743, BPA No. 2014/12/24/4458, and BPA No. 2014/09/10/5926, which were issued on Sept. 12, 2014, Dec. 24, 2014, and Sept. 12, 2014, respectively, by the Dept. of Building Inspection. The appeal periods ended on Sept. 29, 2014, Jan. 08, 2015, and Sept. 29, 2014, respectively, and the jurisdiction requests were filed at the Board office on March 16, 2015. Permit Holder: Robert & Barbara Fallon. **Project, 1st Permit:** remove kitchen and shower, cap at source. **Project, 2nd Permit:** remove illegal ground floor unit per Planning guidelines by removal of stove and shower. **Project, 3rd permit:** revision permit to BPA 2014/09/10/5926 to document internal stairs between 2nd and 1st floor are sealed; correct room designation for room A to storage.

(5) **JURISDICTION REQUEST**

Subject property at 2049-2051-2053 Leavenworth Street. Letter from Mark Hooshmand, attorney for Alexandra Dukes & Andrew Still-Baxter, requestors, asking that the Board take jurisdiction over BPA No. 2015/03/11/0488, which was issued on March 11, 2015 by the Dept. of Building Inspection. The appeal period ended on March 26, 2015, and the jurisdiction request was filed at the Board office on April 13, 2015. Permit Holder: Darwin Tejada. **Project:** to document the legal use and occupancy of this building as a four-story building with four residential units; this is based on a site inspection and review of City records; to correct discrepancies on previous permits; additional addresses.

(6) **APPEAL NO. 14-205**

SF AMERICAN TAXICAB INC. - AMERICAN DISPATCH CO., Appellant(s) vs. MUNICIPAL TRANSPORTATION AGENCY, Respondent	No subject property address. Appealing the REVOCATION on December 08, 2014, of a Dispatch Permit. FOR HEARING TODAY.

ITEMS 7(A) AND 7(B) SHALL BE HEARD TOGETHER:

(7A) **APPEAL NO. 15-036**

MICHAEL DANS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1055 Ashbury Street. Protesting the ISSUANCE on February 17, 2015, to Chris Durkin, of a Permit to Erect a Building (construct a 4-story, single-family dwelling with 700sf of ground floor area). APPLICATION NO. 2013/07/31/3282S. FOR HEARING TODAY.

(7B) **APPEAL NO. 15-037**

FD RYAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1055 Ashbury Street. Protesting the ISSUANCE on February 17, 2015, to Chris Durkin, of a Permit to Erect a Building (construct a 4-story, single-family dwelling with 700sf of ground floor area). APPLICATION NO. 2013/07/31/3282S. FOR HEARING TODAY.

(8) **APPEAL NO. 15-038**

LAI-LAY SHUM, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	754-756 - 20th Avenue. Protesting the ISSUANCE on February 20, 2015, to Elizabeth O'Hara, of an Alteration Permit (removal of illegal unit in garage; cap utilities back to source; revert back to storage rooms). APPLICATION NO. 2015/02/18/8612. FOR HEARING TODAY.

(9) **APPEAL NO. 15-042**

PAUL WYTHES, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2853 Broderick Street. Protesting the ISSUANCE on February 25, 2015, to Pam Whitehead, of an Alteration Permit (to clarify height of building before and after being raised 36" under BPA No. 2011/03/25/2839; to correct previously shown heights to roof ridge top; comply with DBI correction notices; dwelling unit merger; additions to side, rear and 4th floor; revises BPA Nos. 2011/03/11/1905, 2011/03/25/2839, 2011/08/03/1630, 2012/09/26/0727 & 2013/09/24/7638). APPLICATION NO. 2013/07/01/0898S. FOR HEARING TODAY.

(10) **APPEAL NO. 15-043**

JORDAN HUBBARD & ANGELA CROSS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	57 Eureka Street. Protesting the ISSUANCE on March 03, 2015, to Charles Lebedeff, of an Alteration Permit (remove kitchen stove and gas lines, open stairs, remove doors, return all alarms, check all wiring and plumbing to Code with permits; remove floor in stairway to comply with NOV No. 201415721; revert conditions back to original configuration). APPLICATION NO. 2015/03/02/9720. FOR HEARING TODAY.

(11) **APPEAL NO. 15-044**

DEBORAH CHATMAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	765 Mangels Avenue. Protesting the ISSUANCE on February 27, 2015, to David Asher, of an Alteration Permit (replace retaining wall; comply with NOV No. 201311341). APPLICATION NO. 2015/02/27/9563. FOR HEARING TODAY.

(12) **SPECIAL ITEM**

Consideration and possible adoption of resolution encouraging the establishment of notice requirements for permits that may result in the removal of illegal residential units.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **April 24, 2015**

MEMBERS OF THE BOARD OF APPEALS

ANN LAZARUS	PRESIDENT
DARRYL HONDA	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
RICK SWIG	COMMISSIONER
BOBBIE WILSON	COMMISSIONER

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed seven (7) minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

Those members of the public who intend to testify about a particular appeal and wish to have the Board give their testimony evidentiary weight for purposes of deciding the appeal are asked to take an oath. Please note that any member of the public may speak without being sworn-in pursuant to their rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code).

SPECIAL NOTES

If the Board continues a matter to a specific date that is announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 415-575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa.

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:30 p.m. one (1) Thursday prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete

distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies. Please note that names and addresses included in these submittals will become part of the public record. Submittals may be made anonymously.
Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

American sign language interpreters, translation services and/or sound enhancement will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing.

Intérpretes de lenguaje de señas americano, servicio de traducción y/o mejoramiento del sonido estará disponible a petición contactando con personal de la Junta al 415-575-6880 por lo menos 48 horas antes de la audiencia.

美国手语翻译, 翻译服务和/或声音增强将可在聆讯前48小时通过联系575-6880局人员要求.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, APRIL 29, 2015

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Ann Lazarus, Vice President Darryl Honda, Commissioner Frank Fung and Commissioner Bobbie Wilson.

ABSENT: Commissioner Rick Swig.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Jarvis Murray, Enforcement and Legal Affairs Manager, Municipal Transportation Agency Division of Taxis and Accessible Services (SFMTA); Scott Leon, SFMTA; Cynthia Goldstein, Executive Director; Xiomara Mejia, Legal Process Clerk.

(1) **PUBLIC COMMENT**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

PUBLIC COMMENT: None.

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(2) **COMMISSIONER COMMENTS & QUESTIONS**

SPEAKERS: None.

(3) **ADOPTION OF MINUTES**

Discussion and possible adoption of the April 15, 2015 minutes.

ACTION: Upon motion by Vice President Honda, the Board voted 4-0-1 (Commissioner Swig absent) to adopt the April 15, 2015 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **JURISDICTION REQUESTS**

Subject property at 2322 – 21st Avenue. Letter from Leslie O'Brien, requestor, asking that the Board take jurisdiction over Electrical Permit No. E2014/09/12/2743, BPA No. 2014/12/24/4458, and BPA No. 2014/09/10/5926, which were issued on Sept. 12, 2014, Dec. 24, 2014, and Sept. 12, 2014, respectively, by the Dept. of Building Inspection. The appeal periods ended on Sept. 29, 2014, Jan. 08, 2015, and Sept. 29, 2014, respectively, and the jurisdiction requests were filed at the Board office on March 16, 2015. Permit Holder: Robert & Barbara Fallon. **Project, 1st Permit:** remove kitchen and shower, cap at source. **Project, 2nd Permit:** remove illegal ground floor unit per Planning guidelines by removal of stove and shower. **Project, 3rd permit:** revision permit to BPA 2014/09/10/5926 to document internal stairs between 2nd and 1st floor are sealed; correct room designation for room A to storage.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Swig absent) to deny these requests.

SPEAKERS: Leslie O'Brien, requestor; Ryan Patterson, attorney for permit holder; Robert Fallon, permit holder; Patrick Buscovich, agent for permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(5) **JURISDICTION REQUEST**

Subject property at 2049-2051-2053 Leavenworth Street. Letter from Mark Hooshmand, attorney for Alexandra Dukes & Andrew Still-Baxter, requestors, asking that the Board take jurisdiction over BPA No. 2015/03/11/0488, which was issued on March 11, 2015 by the Dept. of Building Inspection. The appeal period ended on March 26, 2015, and the jurisdiction request was filed at the Board office on April 13, 2015. Permit Holder: Darwin Tejada. **Project:** to document the legal use and occupancy of this building as a four-story building with four residential units; this is based on a site inspection and review of City records; to correct discrepancies on previous permits; additional addresses.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Swig absent) to deny the request.

SPEAKERS: Helen Lee Greenberg, attorney for permit holder; Joseph Duffy, DBI. The requestors did not appear.

PUBLIC COMMENT: None.

(6) **APPEAL NO. 14-205**

SF AMERICAN TAXICAB INC. - AMERICAN DISPATCH CO., Appellant(s) vs. MUNICIPAL TRANSPORTATION AGENCY, Respondent	No subject property address. Appealing the REVOCATION on December 08, 2014, of a Dispatch Permit. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 3-1-1 (Vice President Honda dissented and Commissioner Swig absent) to deny the appeal and uphold the revocation on the basis that SFMTA had good cause to revoke the permit.

SPEAKERS: Julius Turman, attorney for appellant; Phillip Achilles, agent for appellant; Jarvis Murray, SFMTA; Scott Leon, SFMTA.

PUBLIC COMMENT: None.

ITEMS 7(A) AND 7(B) SHALL BE HEARD TOGETHER:

(7A) **APPEAL NO. 15-036**

MICHAEL DANS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1055 Ashbury Street. Protesting the ISSUANCE on February 17, 2015, to Chris Durkin, of a Permit to Erect a Building (construct a 4-story, single-family dwelling with 700sf of ground floor area). APPLICATION NO. 2013/07/31/3282S. FOR HEARING TODAY.

(7B) **APPEAL NO. 15-037**

FD RYAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1055 Ashbury Street. Protesting the ISSUANCE on February 17, 2015, to Chris Durkin, of a Permit to Erect a Building (construct a 4-story, single-family dwelling with 700sf of ground floor area). APPLICATION NO. 2013/07/31/3282S. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Swig absent) to continue the appeals to May 13, 2015 to allow the permit holder to provide plans showing a setback on the rear of the top floor.

SPEAKERS: Francis Ryan, appellant; Michael Dans, appellant; John Kevin, attorney for permit holder; Scott Sanchez, ZA.

PUBLIC COMMENT: Sarah Gamaza, Michele, Mark Blanchard and Janny Hazelaar spoke in support of the appellant. Mike Ege, Sonya Trauss, Daniel Crispin, Howard Epstein and Ty Bash spoke in support of the permit holder.

(8) **APPEAL NO. 15-038**

LAI-LAY SHUM, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	754-756 - 20th Avenue. Protesting the ISSUANCE on February 20, 2015, to Elizabeth O'Hara, of an Alteration Permit (removal of illegal unit in garage; cap utilities back to source; revert back to storage rooms). APPLICATION NO. 2015/02/18/8612. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Swig absent) to grant the appeal and deny the permit on the basis that it was issued in error due to the Planning Department's failure to provide the required Block Book Notice to the appellant.

SPEAKERS: Dave Crow, attorney for appellant; Rosie O'Hara, agent for permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(9) **APPEAL NO. 15-042**

PAUL WYTHES, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2853 Broderick Street. Protesting the ISSUANCE on February 25, 2015, to Pam Whitehead, of an Alteration Permit (to clarify height of building before and after being raised 36" under BPA No. 2011/03/25/2839; to correct previously shown heights to roof ridge top; comply with DBI correction notices; dwelling unit merger; additions to side, rear and 4th floor; revises BPA Nos. 2011/03/11/1905, 2011/03/25/2839, 2011/08/03/1630, 2012/09/26/0727 & 2013/09/24/7638). APPLICATION NO. 2013/07/01/0898S. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung the Board voted 2-2-1 (Vice President Honda and Commissioner Wilson dissented and Commissioner Swig absent) to deny the appeal and uphold the permit on the basis that the dwelling unit merger determination by the Zoning Administrator was correct. Lacking the three votes needed to pass, the motion failed. With no further motion made, the permit was upheld by operation of law.

SPEAKERS: Stephen Williams, attorney for appellant; Ilene Dick, attorney for permit holder; Roger Ostrem, agent for permit holder; Scott Sanchez, ZA.

PUBLIC COMMENT: Richard Goss and Irving Zaretsky spoke in support of the appellant.

(10) **APPEAL NO. 15-043**

JORDAN HUBBARD & ANGELA CROSS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	57 Eureka Street. Protesting the ISSUANCE on March 03, 2015, to Charles Lebedeff, of an Alteration Permit (remove kitchen stove and gas lines, open stairs, remove doors, return all alarms, check all wiring and plumbing to Code with permits; remove floor in stairway to comply with NOV No. 201415721; revert conditions back to original configuration). APPLICATION NO. 2015/03/02/9720. FOR HEARING TODAY.

ACTION: Upon motion by President Lazarus, the Board voted 3-1-1 (Commissioner Wilson dissented and Commissioner Swig absent) to deny the appeal and uphold the permit on the basis that it was properly issued.

SPEAKERS: Jordan Hubbard, appellant; Angela Cross, appellant; Olivia Dopler, attorney for permit holder; Scott Sanchez, ZA, Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(11) **APPEAL NO. 15-044**

DEBORAH CHATMAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	765 Mangels Avenue. Protesting the ISSUANCE on February 27, 2015, to David Asher, of an Alteration Permit (replace retaining wall; comply with NOV No. 201311341). APPLICATION NO. 2015/02/27/9563. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Swig absent) to deny the appeal and uphold the permit on the basis that the Department of Building Inspection did not err in issuing the permit.

SPEAKERS: Deborah Chatman, appellant; Tom Anderberg, agent for appellant; Elva Harding, attorney for permit holder; Sam Holroyd, agent for permit holder; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(12) **SPECIAL ITEM**

Consideration and possible adoption of resolution encouraging the establishment of notice requirements for permits that may result in the removal of illegal residential units.

ACTION: Upon motion by President Lazarus, the Board voted 4-0-1 (Commissioner Swig absent) to adopt the resolution.

SPEAKERS: Scott Sanchez, ZA.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Lazarus adjourned the meeting at 10:35 p.m.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, MAY 06, 2015

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) COMMISSIONER COMMENTS & QUESTIONS

(3) ADOPTION OF MINUTES

Discussion and possible adoption of the April 29, 2015 minutes.

(4) POSSIBLE ACTION TO SET ASIDE AND VACATE BOARD DECISION IN APPEAL NOS. 13-095, 13-096, 13-097 & 13-098

Possible Action: Approval of resolution setting aside and vacating, for the purpose of further hearing at a later date, in accordance with the order of the San Francisco Superior Court in Neighbors for Preservation and Progress, *et al.* v. The City and County of San Francisco, *et al.* (CPF-14-513752), the Board of Appeals' April 09, 2014 decision on Appeal Nos. 13-095, 13-096, 13-097 & 13-098 (The Marsh v. Dept. of Building Inspection, Planning Department Approval & Alicia Gamez v. Dept. of Building Inspection, Planning Department Approval) to modify the subject permits. (Discussion and possible action.)

(5) **APPEAL NO. 15-045**

OFF THE GRID SERVICES LLC, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	90 Broadway. Protesting the ISSUANCE on March 06, 2015, to Roadside Rotisserie Corp. / Country Grill, of a Mobile Food Facility Permit (sale of rotisserie chicken, ribs, salad, potatoes, chicken wrap). PERMIT NO. NO. 14MFF-0131. FOR HEARING TODAY.

(6) **APPEAL NO. 15-046**

ANUAR ABU ARAFEH dba "CITY WINE & SPIRIT", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	805 Howard Street. Protesting the SUSPENSION on March 10, 2015, of a Tobacco Sales Establishment Permit (twenty-day suspension for selling an electronic cigarette to a minor). PERMIT NO. T-66918. FOR HEARING TODAY.

(7) **APPEAL NO. 15-048**

JAMAL TAHA, Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	22 - 6th Street. Protesting the SUSPENSION on March 10, 2015, of a Tobacco Sales Establishment Permit (twenty-day suspension for selling an electronic cigarette to a minor). PERMIT NO. T-02626. FOR HEARING TODAY.

(8) **JURISDICTION REQUEST**

Subject property at 866 30th Avenue. Letter from Christopher Ventura and Zoe Rem, requestors, asking that the Board take jurisdiction over BPA No. 2015/02/17/8429, which was issued on February 25, 2015 by the Dept. of Building Inspection. The appeal period ended on March 12, 2015, and the jurisdiction request was filed at the Board office on April 15, 2015. Permit Holder: Gerald Yee. Project: remodel existing kitchen and add one new bathroom at second floor; construct two bedrooms, media room, laundry area and one full bathroom at ground floor; construct new deck with staircase at rear of building, approx. size 15' x 4'.

(9) **REHEARING REQUESTS**

Subject property at 437 Duncan Street. Letter from Georgia Schuttish, appellant, requesting rehearing of Appeal Nos. 15-020 and 15-021, Schuttish vs. DBI, PDA, decided April 08, 2015. At that time, the Board voted 5-0 to uphold the two permits on the basis that the design was appropriately vetted by the Planning Department. **Permit Holder:** Risteard O'Sulleabhain. **Projects:** demolish one-story single-family dwelling with 690sf of ground floor area and construct a three-story, single-family dwelling with 1,423sf of ground floor area. BPA Nos. 2012/07/16/4978 and 2012/04/18/8570S.

(10) **REHEARING REQUEST**

Subject property at 1049-1051 Market Street. Letter from John Gall and Terry Bogart, permit holders, requesting rehearing of Appeal No. 15-022, Cady et al. vs. ZA, decided April 08, 2015. At that time, the Board voted 4-1 (President Lazarus dissented) to overturn the Request for Releases of Suspension on the basis that the Zoning Administrator erred in failing to recognize that the permit is defective. **Appellants:** Ben Cady, Chandra Redack, Peter Taylor, Brad Alder, Chad Benjamin Potter, Manuel Rodriguez, Ann Cooper, Melissa Bracero, Adam Wojewidka, Chris Baker, Brendan Barthel, Carina Zona, Karl Hass, Juan Escobedo, Darren Brown, Bo Marcol and Christopher Figueroa. **ZA Order:** requesting that the Dept. of Building Inspection release the suspension of BPA No. 2013/07/26/2890 – comply with NOV No. 200711850; demolition of office walls on 1st through 5th floors.

(11) **REHEARING REQUESTS**

Subject properties at 7 and 9 Nobles Alley. Letter from Marc Anthony Bruno, appellant, requesting rehearing of Appeal Nos. 15-029 and 15-030, Bruno vs. DBI, decided April 08, 2015. At that time, the Board voted 5-0 to uphold the two permits on the basis that the faults alleged were not proven. **Permit Holder:** Antonia Sweet Trust. **Projects:** revision to BPA Nos. 2015/01/13/5590 and 2015/01/13/5591; layout changes for kitchen and bath remodels.

(12) **APPEAL NO. 15-047**

SUSAN WONG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	8222 Geary Boulevard. Protesting the ISSUANCE on March 09, 2015, to Evan Housel, of an Alteration Permit (new rear deck and stairs). APPLICATION NO. 2015/02/03/7345. FOR HEARING TODAY.

ITEMS 13(A) & 13(B) SHALL BE HEARD TOGETHER:

(13A) **APPEAL NO. 15-049**

DOROTHY LARSON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	910 Carolina Street. Protesting the ISSUANCE on March 20, 2015, to Leon Kemel, of a Permit to Erect a Building (construct a three-story, single-family dwelling with 4,848sf of ground floor area). APPLICATION NO. 2013/03/12/2050S. FOR HEARING TODAY.

(13B) **APPEAL NO. 15-051**

PEGGY SNIDER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	910 Carolina Street. Protesting the ISSUANCE on March 20, 2015, to Leon Kemel, of a Permit to Erect a Building (construct a three-story, single-family dwelling with 4,848sf of ground floor area). APPLICATION NO. 2013/03/12/2050S. FOR HEARING TODAY.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **May 1, 2015**

MEMBERS OF THE BOARD OF APPEALS

ANN LAZARUS	PRESIDENT
DARRYL HONDA	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
RICK SWIG	COMMISSIONER
BOBBIE WILSON	COMMISSIONER

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed seven (7) minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

Those members of the public who intend to testify about a particular appeal and wish to have the Board give their testimony evidentiary weight for purposes of deciding the appeal are asked to take an oath. Please note that any member of the public may speak without being sworn-in pursuant to their rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code).

SPECIAL NOTES

If the Board continues a matter to a specific date that is announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 415-575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa.

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:30 p.m. one (1) Thursday prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete

distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies. Please note that names and addresses included in these submittals will become part of the public record. Submittals may be made anonymously.
Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

American sign language interpreters, translation services and/or sound enhancement will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing.

Intérpretes de lenguaje de señas americano, servicio de traducción y/o mejoramiento del sonido estará disponible a petición contactando con personal de la Junta al 415-575-6880 por lo menos 48 horas antes de la audiencia.

美国手语翻译, 翻译服务和/或声音增强将可在聆讯前48小时通过联系575-6880局人员要求.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Board's web site, www.sfgov.org/boa.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGOVTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, MAY 6, 2015

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Ann Lazarus, Vice President Darryl Honda, Commissioner Frank Fung, Commissioner Rick Swig and Commissioner Bobbie Wilson.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Aleeta Van Runkle, Deputy City Attorney for the Department of Public Health (DPH OCA); June Weintraub, Manager, Department of Public Health Environmental Health Section (DPH); Robert Demarr (DPH); Rahul Shah, Department of Public Works Bureau of Street Use and Mapping (DPW); Lt. David Falzon, San Francisco Police Department (SFPD); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

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(1) PUBLIC COMMENT

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

PUBLIC COMMENT: None.

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(2) COMMISSIONER COMMENTS & QUESTIONS

SPEAKERS: None.

(3) ADOPTION OF MINUTES

Discussion and possible adoption of the April 29, 2015 minutes.

ACTION: Upon motion by Vice President Honda, the Board voted 5-0 to adopt the April 29, 2015 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **POSSIBLE ACTION TO SET ASIDE AND VACATE BOARD DECISION IN APPEAL NOS. 13-095, 13-096, 13-097 & 13-098**

Possible Action: Approval of resolution setting aside and vacating, for the purpose of further hearing at a later date, in accordance with the order of the San Francisco Superior Court in Neighbors for Preservation and Progress, *et al.* v. The City and County of San Francisco, *et al.* (CPF-14-513752), the Board of Appeals' April 09, 2014 decision on Appeal Nos. 13-095, 13-096, 13-097 & 13-098 (The Marsh v. Dept. of Building Inspection, Planning Department Approval & Alicia Gamez v. Dept. of Building Inspection, Planning Department Approval) to modify the subject permits. (Discussion and possible action.)

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to adopt the draft resolution and vacate the Board's decision in appeal numbers 13-095, 13-096, 13-097 and 13-098 and to schedule a hearing on revised findings on June 3, 2015.

SPEAKERS: None.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 15-045**

OFF THE GRID SERVICES LLC, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	90 Broadway. Protesting the ISSUANCE on March 06, 2015, to Roadside Rotisserie Corp. / Country Grill, of a Mobile Food Facility Permit (sale of rotisserie chicken, ribs, salad, potatoes, chicken wrap). PERMIT NO. NO. 14MFF-0131. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Honda, the Board voted 5-0 to deny the appeal and uphold the permit on the basis that the Department did not err in issuing the permit.

SPEAKERS: Matt Cohen, agent for appellant; Mitchell Newberger, agent for permit holder; Rahul Shah, DPW; Robert Demarr, DPH.

PUBLIC COMMENT: Evan Kidera and Monica Wong spoke in support of the appellant.

(6) **APPEAL NO. 15-046**

ANUAR ABU ARAFEH dba "CITY WINE & SPIRIT", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	805 Howard Street. Protesting the SUSPENSION on March 10, 2015, of a Tobacco Sales Establishment Permit (twenty-day suspension for selling an electronic cigarette to a minor). PERMIT NO. T-66918. FOR HEARING TODAY.

ACTION: This matter was withdrawn prior to hearing.

(7) **APPEAL NO. 15-048**

JAMAL TAHA, Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	22 - 6th Street. Protesting the SUSPENSION on March 10, 2015, of a Tobacco Sales Establishment Permit (twenty-day suspension for selling an electronic cigarette to a minor). PERMIT NO. T-02626. FOR HEARING TODAY.

ACTION: Upon motion by President Lazarus, the Board voted 5-0 to deny the appeal and uphold the suspension on the basis that the Department imposed a proper penalty for the violation.

SPEAKERS: Jamal Taha, appellant; Aleeta VanRunkle, OCA DPH; June Wentraub, DPH; Lieutenant David Falzon, SFPD.

PUBLIC COMMENT: Clyde Conrad spoke in support of the appellant. Karen Licavoli, Ted Guggenheim, Brian Davis, Chris Schouest, Natalie Andrade and Jaclyn Cheves spoke in support of the Department.

(8) **JURISDICTION REQUEST**

Subject property at 866 30th Avenue. Letter from Christopher Ventura and Zoe Rem, requestors, asking that the Board take jurisdiction over BPA No. 2015/02/17/8429, which was issued on February 25, 2015 by the Dept. of Building Inspection. The appeal period ended on March 12, 2015, and the jurisdiction request was filed at the Board office on April 15, 2015. Permit Holder: Gerald Yee. Project: remodel existing kitchen and add one new bathroom at second floor; construct two bedrooms, media room, laundry area and one full bathroom at ground floor; construct new deck with staircase at rear of building, approx. size 15' x 4'.

ACTION: This matter was withdrawn prior to hearing.

(9) **REHEARING REQUESTS**

Subject property at 437 Duncan Street. Letter from Georgia Schuttish, appellant, requesting rehearing of Appeal Nos. 15-020 and 15-021, Schuttish vs. DBI, PDA, decided April 08, 2015. At that time, the Board voted 5-0 to uphold the two permits on the basis that the design was appropriately vetted by the Planning Department. **Permit Holder:** Risteard O'Sulleabhain. **Projects:** demolish one-story single-family dwelling with 690sf of ground floor area and construct a three-story, single-family dwelling with 1,423sf of ground floor area. BPA Nos. 2012/07/16/4978 and 2012/04/18/8570S.

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to deny the request.

SPEAKERS: Georgia Schuttish, requestor; Jody Knight, attorney for permit holder; Scott Sanchez, ZA.

PUBLIC COMMENT: Leticia Gonzalez spoke in support of the requestor.

(10) REHEARING REQUEST

Subject property at 1049-1051 Market Street. Letter from John Gall and Terry Bogart, permit holders, requesting rehearing of Appeal No. 15-022, Cady et al. vs. ZA, decided April 08, 2015. At that time, the Board voted 4-1 (President Lazarus dissented) to overturn the Request for Releases of Suspension on the basis that the Zoning Administrator erred in failing to recognize that the permit is defective. **Appellants:** Ben Cady, Chandra Redack, Peter Taylor, Brad Alder, Chad Benjamin Potter, Manuel Rodriguez, Ann Cooper, Melissa Bracero, Adam Wojewidka, Chris Baker, Brendan Barthel, Carina Zona, Karl Hass, Juan Escobedo, Darren Brown, Bo Marcol and Christopher Figueroa. **ZA Order:** requesting that the Dept. of Building Inspection release the suspension of BPA No. 2013/07/26/2890 – comply with NOV No. 200711850; demolition of office walls on 1st through 5th floors.

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to deny the request.

SPEAKERS: Ryan Patterson, attorney for requestor; Steve Collier, attorney for appellants; Carina Zona, appellant; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: Tommi Avicolli Mecca, Tory Antoni and Chadwick Putney spoke in support of the appellants.

(11) REHEARING REQUESTS

Subject properties at 7 and 9 Nobles Alley. Letter from Marc Anthony Bruno, appellant, requesting rehearing of Appeal Nos. 15-029 and 15-030, Bruno vs. DBI, decided April 08, 2015. At that time, the Board voted 5-0 to uphold the two permits on the basis that the faults alleged were not proven. **Permit Holder:** Antonia Sweet Trust. **Projects:** revision to BPA Nos. 2015/01/13/5590 and 2015/01/13/5591; layout changes for kitchen and bath remodels.

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to deny the requests.

SPEAKERS: Marc Bruno, requestor; Robert Cohen, attorney for permit holder; Gabe Santos, agent for permit holder; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(12) **APPEAL NO. 15-047**

SUSAN WONG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	8222 Geary Boulevard. Protesting the ISSUANCE on March 09, 2015, to Evan Housel, of an Alteration Permit (new rear deck and stairs). APPLICATION NO. 2015/02/03/7345. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Honda, the Board voted 3-2 (President Lazarus and Commissioner Fung dissented) to grant the appeal and uphold the permit on the condition that the deck be reduced by two feet in depth towards the permit holder's building wall on the basis that this change is more in keeping with the midblock open space. Lacking the four votes needed to pass, the motion failed. Upon motion by Commissioner Fung, the Board voted 3-2 (Vice President

Honda and Commissioner Wilson dissented) to grant the appeal and uphold the permit on the condition that the depth of the deck be reduced four feet to mitigate the impact on the appellant's key lot. Lacking the four votes needed to pass, the motion failed. Upon motion by Vice President Honda, the Board voted 4-1 (Commissioner Wilson dissented) to grant the appeal and uphold the permit on the condition that the deck be reduced by three feet towards the permit holder's rear building wall on the basis that this change is more in keeping with the midblock open space.

SPEAKERS: Susan Wong, appellant; Jolene Lai, agent for appellant; Rodrigo Santos, agent for permit holder; Evan Housel, permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: Lindsay Pfeiffer spoke in support of the appellant.

ITEMS 13(A) & 13(B) SHALL BE HEARD TOGETHER:

(13A) **APPEAL NO. 15-049**

DOROTHY LARSON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	910 Carolina Street. Protesting the ISSUANCE on March 20, 2015, to Leon Kemel, of a Permit to Erect a Building (construct a three-story, single-family dwelling with 4,848sf of ground floor area). APPLICATION NO. 2013/03/12/2050S. FOR HEARING TODAY.

(13B) **APPEAL NO. 15-051**

PEGGY SNIDER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	910 Carolina Street. Protesting the ISSUANCE on March 20, 2015, to Leon Kemel, of a Permit to Erect a Building (construct a three-story, single-family dwelling with 4,848sf of ground floor area). APPLICATION NO. 2013/03/12/2050S. FOR HEARING TODAY.

ACTION: Upon motion by President Lazarus, the Board voted 5-0 to continue the appeals to June 3, 2015 to allow time for the parties to meet with Planning Department staff to discuss possible changes to the plans that will reduce the bulk of the project, maximize light and air, and improve the project's fit with the neighborhood.

SPEAKERS: Dorothy Larson, appellant; Peggy Snider, appellant; Jody Knight, attorney for permit holder; Scott Sanchez, ZA.

PUBLIC COMMENT: Nancy Pagan, Kathy Pagan Quadros, Cathryn Blum, Elizabeth Brodersen, Dan Chiang and Kira Curtis spoke in support of the appellants.

ADJOURNMENT.

There being no further business, President Lazarus adjourned the meeting at 10:30 p.m.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, MAY 13, 2015

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) **COMMISSIONER COMMENTS & QUESTIONS**

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(3) **ADOPTION OF MINUTES**

Discussion and possible adoption of the May 06, 2015 minutes.

(4) **APPEAL NO. 15-023**

KINANI AHMED dba "NILE CAFÉ", Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	544 Jones Street. Appealing the REVOCATION on January 27, 2015, of a Parklet Permit. ORDER NO. 183240. FOR HEARING TODAY.

(5) **APPEAL NO. 15-028**

ROBERT KEITH McBURNETT & LINDA PFIFFNER Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	3420 Fulton Street. Appealing the DENIAL on February 11, 2015, of a Tree Removal Permit (denial of request to remove one (1) privately maintained street tree). ORDER NO. 183335. FOR HEARING TODAY.

(6) **APPEAL NO. 15-026**

HANNA HABASH dba "LUCKY 7 SMOKE SHOP", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	1838 Divisadero Street. Appealing the SUSPENSION on February 05, 2015, of a Tobacco Sales Establishment Permit (20-day suspension for selling electronic cigarettes to minors). PERMIT NO. T-00451. FOR HEARING TODAY.

(7) **APPEAL NO. 15-062**

ANWAR IMTAIR, Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	3801 3rd Street, Suite 112. Appealing the DENIAL on March 30, 2015, of a Tobacco Sales Establishment Permit (pursuant to the San Francisco Health Code prohibition on new tobacco sales permits in Supervisorial Districts where the total number of existing permits in the District exceeds 45). DIRECTOR'S CASE NO. SMK15-11. FOR HEARING TODAY.

ITEMS (8A) & (8B) SHALL BE HEARD TOGETHER:

(8A) **APPEAL NO. 15-036**

MICHAEL DANS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1055 Ashbury Street. Protesting the ISSUANCE on February 17, 2015, to Chris Durkin, of a Permit to Erect a Building (construct a 4-story, single-family dwelling with 700sf of ground floor area). APPLICATION NO. 2013/07/31/3282S. PUBLIC HEARING HELD ON April 29, 2015; FOR FURTHER CONSIDERATION TODAY. **Note: this matter was continued to allow time for the permit holder to submit revised plans showing a setback at the rear of the top floor.**

(8B) **APPEAL NO. 15-037**

FD RYAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1055 Ashbury Street. Protesting the ISSUANCE on February 17, 2015, to Chris Durkin, of a Permit to Erect a Building (construct a 4-story, single-family dwelling with 700sf of ground floor area). APPLICATION NO. 2013/07/31/3282S. PUBLIC HEARING HELD ON April 29, 2015; FOR FURTHER CONSIDERATION TODAY. **See note above in Appeal No. 15-036.**

(9) **APPEAL NO. 15-052**

CARL ERNST, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	867 Vermont Street. Protesting the ISSUANCE on March 19, 2015, to Justin Raade, of an Alteration Permit (installation of Alside Prodigy insulated vinyl siding on the right side of the building). APPLICATION NO. 2015/03/12/0667. FOR HEARING TODAY.

(10) **APPEAL NO. 15-053**

MARILYN AMINI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	300 Wawona Street. Protesting the ISSUANCE on March 11, 2015, to Kim Clash, of an Alteration Permit (add 2nd story master bedroom and bath; remodel and expand kitchen; connect basement with internal stair; finish and expand basement). APPLICATION NO. 2013/06/21/0174S. FOR HEARING TODAY.

(11) **APPEAL NO. 15-054**

AUGUSTINE FALLAY, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	3378 Sacramento Street. Protesting the ISSUANCE on March 17, 2015, of a Request for Revocation (asking that the Dept. of Building Inspection revoke BPA No. 2015/01/02/4850 because it was approved over-the-counter in error by the Planning Department). FOR HEARING TODAY.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **May 08, 2015**

MEMBERS OF THE BOARD OF APPEALS

ANN LAZARUS	PRESIDENT
DARRYL HONDA	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
RICK SWIG	COMMISSIONER
BOBBIE WILSON	COMMISSIONER

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed seven (7) minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

Those members of the public who intend to testify about a particular appeal and wish to have the Board give their testimony evidentiary weight for purposes of deciding the appeal are asked to take an oath. Please note that any member of the public may speak without being sworn-in pursuant to their rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code).

SPECIAL NOTES

If the Board continues a matter to a specific date that is announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 415-575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa.

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:30 p.m. one (1) Thursday prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and

ten copies. Please note that names and addresses included in these submittals will become part of the public record. Submittals may be made anonymously.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

American sign language interpreters, translation services and/or sound enhancement will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing.

Intérpretes de lenguaje de señas americano, servicio de traducción y/o mejoramiento del sonido estará disponible a petición contactando con personal de la Junta al 415-575-6880 por lo menos 48 horas antes de la audiencia.

美国手语翻译, 翻译服务和/或声音增强将可在聆讯前48小时通过联系575-6880局人员要求.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions,

boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Board's web site, www.sfgov.org/boa.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGOVTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, MAY 13, 2015

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Ann Lazarus, Vice President Darryl Honda, Commissioner Frank Fung, Commissioner Rick Swig and Commissioner Bobbie Wilson.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Aleeta Van Runkle, Deputy City Attorney for the Department of Public Health (DPH OCA); June Weintraub, Manager, Department of Public Health Environmental Health Section (DPH); Janine Young, Senior Health Inspector (DPH); Chris Buck, Acting Urban Forester, Department of Public Works Bureau of Urban Forestry (DPW); Rahul Shah, Department of Public Works Bureau of Street Use and Mapping (DPW); Lt. David Falzon, San Francisco Police Department (SFPD); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

(1) **PUBLIC COMMENT**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

PUBLIC COMMENT: None.

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(2) **COMMISSIONER COMMENTS & QUESTIONS**

SPEAKERS: None.

(3) **ADOPTION OF MINUTES**

Discussion and possible adoption of the May 6,.2015 minutes.

ACTION: Upon motion by Commissioner Swig, the Board voted 5-0 to adopt the May 6, 2015 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **APPEAL NO. 15-023**

KINANI AHMED dba "NILE CAFÉ", Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	544 Jones Street. Appealing the REVOCATION on January 27, 2015, of a Parklet Permit. ORDER NO. 183240. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Swig, the Board voted 5-0 to deny the appeal and uphold the permit revocation on the basis that there has been chronic abuse of the rules and regulations related to holding a parklet permit.

SPEAKERS: Kinani Ahmed, appellant; Rahul Shah, DPW.

PUBLIC COMMENT: Thomas Senaca, Michael Nulty, John Nulty and David Wallace spoke in support of the Department.

(5) **APPEAL NO. 15-028**

ROBERT KEITH McBURNETT & LINDA PFIFFNER Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	3420 Fulton Street. Appealing the DENIAL on February 11, 2015, of a Tree Removal Permit (denial of request to remove one (1) privately maintained street tree). ORDER NO. 183335. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to grant the appeal, overturn the Department and grant the tree removal permit on the basis that it will prevent sewage backups into the appellants' house and on the following conditions: (1) it be replaced with a 24" box tree of a species to be selected by Department of Public Works; (2) the basin be widened to 6' x 9'; and (3) a landscaping plot permit be obtained by appellants.

SPEAKERS: Linda Pfiffner, appellant; Robert Keith McBurnett, appellant; Chris Buck, DPW.

PUBLIC COMMENT: None.

(6) **APPEAL NO. 15-026**

HANNA HABASH dba "LUCKY 7 SMOKE SHOP", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	1838 Divisadero Street. Appealing the SUSPENSION on February 05, 2015, of a Tobacco Sales Establishment Permit (20-day suspension for selling electronic cigarettes to minors). PERMIT NO. T-00451. FOR HEARING TODAY.

ACTION: Upon motion by President Lazarus, the Board voted 5-0 to deny the appeal and uphold the suspension on the basis that it was appropriately issued.

SPEAKERS: Derek St. Pierre, attorney for appellant; Hanna Habash, appellant; Aleeta Van Runkle, DPH OCA; Janine Young, DPH; Lt. Dave Falzon, SFPD.

PUBLIC COMMENT: Karen Licavoli, Phoeut Tak, Natalie Andrade and Rosalyn Moya spoke in support of the Department.

(7) **APPEAL NO. 15-062**

ANWAR IMTAIR, Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	3801 3rd Street, Suite 112. Appealing the DENIAL on March 30, 2015, of a Tobacco Sales Establishment Permit (pursuant to the San Francisco Health Code prohibition on new tobacco sales permits in Supervisorial Districts where the total number of existing permits in the District exceeds 45). DIRECTOR'S CASE NO. SMK15-11. FOR HEARING TODAY.

ACTION: Upon motion by President Lazarus, the Board voted 5-0 to deny the appeal and uphold the permit denial on the basis that it was appropriately denied given the current legislation.

SPEAKERS: Marvin Robinson, agent for appellant; Anwar Imtair, appellant; Aleeta Van Runkle, DPH OCA; June Weintraub, DPH.

PUBLIC COMMENT: Karen Licavoli; Natalie Andrade, Phoeut Tak and Rosalyn Moya spoke in support of the Department.

ITEMS (8A) & (8B) SHALL BE HEARD TOGETHER:

(8A) **APPEAL NO. 15-036**

MICHAEL DANS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1055 Ashbury Street. Protesting the ISSUANCE on February 17, 2015, to Chris Durkin, of a Permit to Erect a Building (construct a 4-story, single-family dwelling with 700sf of ground floor area). APPLICATION NO. 2013/07/31/3282S. PUBLIC HEARING HELD ON April 29, 2015; FOR FURTHER CONSIDERATION TODAY. **Note: this matter was continued to allow time for the permit holder to submit revised plans showing a setback at the rear of the top floor.**

(8B) **APPEAL NO. 15-037**

FD RYAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1055 Ashbury Street. Protesting the ISSUANCE on February 17, 2015, to Chris Durkin, of a Permit to Erect a Building (construct a 4-story, single-family dwelling with 700sf of ground floor area). APPLICATION NO. 2013/07/31/3282S. PUBLIC HEARING HELD ON April 29, 2015; FOR FURTHER CONSIDERATION TODAY. **See note above in Appeal No. 15-036.**

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Swig recused) to grant the appeals and uphold the permit on the condition that it be revised to conform with the architectural drawings dated May 6, 2015, on the basis that the scale of the rear wall was not appropriate to the balance of the neighborhood.

SPEAKERS: Francis Ryan, appellant; Michael Dans, appellant; Tom Tunny, attorney for permit holder; Chris Durkin, permit holder; Scott Sanchez, ZA.

PUBLIC COMMENT: Janny Hazelaar, Ana Casal, Hugh Diamond and Narasu Rebbapragada spoke in support of the appellants.

(9) **APPEAL NO. 15-052**

CARL ERNST, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	867 Vermont Street. Protesting the ISSUANCE on March 19, 2015, to Justin Raade, of an Alteration Permit (installation of Alside Prodigy insulated vinyl siding on the right side of the building). APPLICATION NO. 2015/03/12/0667. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Swig, the Board voted 5-0 to deny the appeal and uphold the permit on the basis that it was properly issued.

SPEAKERS: Carl Ernst, appellant; Justin Raade, permit holder; Galateia Kazakia, agent for permit holder; Joseph Duffy, DBI.

PUBLIC COMMENT: Judith Daddio spoke in support of the permit holders.

(10) **APPEAL NO. 15-053**

MARILYN AMINI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	300 Wawona Street. Protesting the ISSUANCE on March 11, 2015, to Kim Clash, of an Alteration Permit (add 2nd story master bedroom and bath; remodel and expand kitchen; connect basement with internal stair; finish and expand basement). APPLICATION NO. 2013/06/21/0174S. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to deny the appeal and uphold the permit on the basis that it is Code compliant.

SPEAKERS: Marilyn Amini, appellant; Jacob Mishell, agent for permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(11) **APPEAL NO. 15-054**

AUGUSTINE FALLAY, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	3378 Sacramento Street. Protesting the ISSUANCE on March 17, 2015, of a Request for Revocation (asking that the Dept. of Building Inspection revoke BPA No. 2015/01/02/4850 because it was approved over-the-counter in error by the Planning Department). FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to deny the appeal and uphold the revocation on the basis that the Zoning Administrator did not err or abuse his discretion.

SPEAKERS: Augustine Fallay, appellant; Yan Kalika, agent for appellant; Stephen Goldstein, agent for appellant; Scott Sanchez, ZA.

PUBLIC COMMENT: Kayla Lebo, Stanley Pinchon and Edward Romanov spoke in support of the appellant. Catherine Stefani, Charlie Ferguson, Bill Hudson, Tracy Teraoka and Eban Garnett spoke in support of the Zoning Administrator.

ADJOURNMENT.

There being no further business, President Lazarus adjourned the meeting at 10:35 p.m.

City and County of San Francisco

Edwin M. Lee
Mayor

Board of Appeals

Cynthia G. Goldstein
Executive Director

PUBLIC NOTICE

The Board of Appeals has **NOT SCHEDULED** meetings for May 20, 2015 or May 27, 2015. The next regular meeting is scheduled for **WEDNESDAY, JUNE 03, 2015**, City Hall, Room 416, 5:00 pm, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

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Sincerely,

BOARD STAFF

Date Posted: **May 15, 2015**

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Board of Appeals
www.sfgov.org/boa

1650 Mission Street, Suite 304
San Francisco, CA 94103

Phone: 415-575-6880
Fax: 415-575-6885

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JUNE 03, 2015

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) COMMISSIONER COMMENTS & QUESTIONS

(3) ADOPTION OF MINUTES

Discussion and possible adoption of the May 13, 2015 minutes.

(4) SPECIAL ITEM

Presentation by staff from the SFMTA Division of Taxis and Accessible Services on the rules governing the taxi industry, how the Division works with the industry on rules compliance, and its use of progressive discipline in enforcement cases.

(5) REHEARING REQUEST

Subject property at 57 Eureka Street. Letter from Jordan Hubbard & Angela Cross, appellants, requesting rehearing of Appeal No. 15-043, Hubbard & Cross vs. DBI, PDA, decided April 29, 2015. At that time, the Board voted 3-1-1 (Commissioner Wilson dissented, Commissioner Swig absent) to deny the appeal and uphold the permit on the basis that it was properly issued.
Permit Holder: Charles Lebedeff. **Project:** remove kitchen stove and gas lines, open stairs, remove doors, return all alarms, check all wiring and plumbing to Code with permits; remove floor in stairway to comply with NOV No. 201415721; revert conditions back to original configuration; BPA No. 2015/03/02/9720.

(6) **APPEAL NO. 15-058**

JILL VIVANCO, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	201 Spear Street. Protesting the DENIAL on March 25, 2015, of a Tree Removal Permit (denial of request to remove ten (10) privately maintained street trees). ORDER NO. 183443. FOR HEARING TODAY.

(7) **APPEAL NO. 15-055**

ANDREI URAZOV, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2809-2811 Polk Street. Protesting the ISSUANCE on March 18, 2015, to Richard Bradley, of an Alteration Permit (horizontal and vertical addition; reconfiguration of all floors; 3rd floor master bedroom addition). APPLICATION NO. 2014/02/28/9613S. FOR HEARING TODAY.

(8) **APPEAL NO. 15-057**

ALAN HUGENOT & GALE BRADLEY / GALE BRADLEY TRUST, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	425 Burnett Avenue. Protesting the ISSUANCE on March 30, 2015, of a Letter of Determination (regarding whether the Planning Code allowed for a total of four units at the subject property in 1979, and whether the Planning Department considers all four units legal today). FOR HEARING TODAY.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda. Date posted: **May 29, 2015**

MEMBERS OF THE BOARD OF APPEALS

ANN LAZARUS	PRESIDENT
DARRYL HONDA	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
RICK SWIG	COMMISSIONER
BOBBIE WILSON	COMMISSIONER

PROCEDURE AT HEARINGS

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Those members of the public who intend to testify about a particular appeal and wish to have the Board give their testimony evidentiary weight for purposes of deciding the appeal are asked to take an oath. Please note that any member of the public may speak without being sworn-in pursuant to their rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code).

SPECIAL NOTES

If the Board continues a matter to a specific date that is announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 415-575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa.

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Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:30 p.m. one (1) Thursday prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and

ten copies. Please note that names and addresses included in these submittals will become part of the public record. Submittals may be made anonymously.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

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美国手语翻译, 翻译服务和/或声音增强将可在聆讯前48小时通过联系575-6880局人员要求.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions,

boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

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DVD'S OF MEETINGS

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JUNE 3, 2015

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Ann Lazarus, Vice President Darryl Honda, Commissioner Frank Fung, Commissioner Rick Swig and Commissioner Bobbie Wilson.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Corey Teague, Assistant Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Carla Short, Deputy Bureau Manager, Department of Public Works Bureau of Street Use and Mapping (DPW); Kate Toran, Director of Taxis and Accessible Services, Municipal Transportation Agency (MTA); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

(1) **PUBLIC COMMENT**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

PUBLIC COMMENT: None.

(2) **COMMISSIONER COMMENTS & QUESTIONS**

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SPEAKERS: None.

(3) **ADOPTION OF MINUTES**

Discussion and possible adoption of the May 13, 2015 minutes.

ACTION: Upon motion by Vice President Honda, the Board voted 5-0 to adopt the May 13, 2015 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **SPECIAL ITEM**

Presentation by staff from the Municipal Transportation Agency Division of Taxis and Accessible Services on the rules governing the taxi industry, how the Division works with the industry on rules compliance, and its use of progressive discipline in enforcement cases.

SPEAKERS: Kate Toran (MTA) described the effort of her office to support the taxi industry and taxi drivers, the progressive discipline used in enforcement cases, and current efforts they employ to reach positive outcomes in compliance cases.

PUBLIC COMMENT: Mark Gruber discussed difficulties faced by ramp taxi medallion holders and emphasized the importance of the Board's *de novo* review of taxi-related appeals.

(5) **REHEARING REQUEST**

Subject property at 57 Eureka Street. Letter from Jordan Hubbard & Angela Cross, appellants, requesting rehearing of Appeal No. 15-043, Hubbard & Cross vs. DBI, PDA, decided April 29, 2015. At that time, the Board voted 3-1-1 (Commissioner Wilson dissented, Commissioner Swig absent) to deny the appeal and uphold the permit on the basis that it was properly issued. **Permit Holder:** Charles Lebedeff. **Project:** remove kitchen stove and gas lines, open stairs, remove doors, return all alarms, check all wiring and plumbing to Code with permits; remove floor in stairway to comply with NOV No. 201415721; revert conditions back to original configuration; BPA No. 2015/03/02/9720.

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to deny the request.

SPEAKERS: Angela Cross, requestor; Charles Lebedeff, permit holder; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(6) **APPEAL NO. 15-058**

JILL VIVANCO, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	201 Spear Street. Protesting the DENIAL on March 25, 2015, of a Tree Removal Permit (denial of request to remove ten (10) privately maintained street trees). ORDER NO. 183443. FOR HEARING TODAY.

ACTION: Upon motion by President Lazarus, the Board voted 5-0 to deny the appeal and uphold the denial of the permit on the basis that the permit application was properly denied.

SPEAKERS: Thomas Tunny, attorney for appellant; Roy Leggitt, agent for appellant: Carla Short, DPW.

PUBLIC COMMENT: Reed Bement, Dave Osgood, Keith Bardel, Jamie Whitaker and Yuhum Digdigain spoke in support of the Department.

(7) **APPEAL NO. 15-055**

ANDREI URAZOV, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2809-2811 Polk Street. Protesting the ISSUANCE on March 18, 2015, to Richard Bradley, of an Alteration Permit (horizontal and vertical addition; reconfiguration of all floors; 3rd floor master bedroom addition). APPLICATION NO. 2014/02/28/9613S. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to deny the appeal and uphold the permit on the basis that it was appropriately authorized.

SPEAKERS: Augustine Fallay, agent for appellant; Virginie Manichon, agent for permit holder; Corey Teague, AZA; Joseph Duffy, DBI.

PUBLIC COMMENT: Inna Bimits, Philp Brady, Trevor Willson and Kelly Donahoe spoke in support of the appellant.

(8) **APPEAL NO. 15-057**

ALAN HUGENOT & GALE BRADLEY / GALE BRADLEY TRUST, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	425 Burnett Avenue. Protesting the ISSUANCE on March 30, 2015, of a Letter of Determination (regarding whether the Planning Code allowed for a total of four units at the subject property in 1979, and whether the Planning Department considers all four units legal today). FOR HEARING TODAY.

ACTION: Upon motion by Vice President Honda, the Board voted 5-0 to deny the appeal and uphold the Letter of Determination on the basis that the Zoning Administrator did not err or abuse his discretion.

SPEAKERS: Janet Campbell, agent for appellant; Alan Hugenot, appellant; Gale Bradley, appellant; Corey Teague, AZA; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Lazarus adjourned the meeting at 7:50 p.m.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JUNE 10, 2015

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) COMMISSIONER COMMENTS & QUESTIONS

(3) ADOPTION OF MINUTES

Discussion and possible adoption of the June 03, 2015 minutes.

(4) APPEAL NO. 15-065

HEATHER KILDAY & SARAH HICKEY, Appellants vs. PLANNING COMMISSION, Respondent	150 Van Ness Avenue. Protesting the ISSUANCE on April 02, 2015, to Marc Babsin / Emerald Fund, of an ADOPTION OF FINDINGS FOR A DOWNTOWN PROJECT AUTHORIZATION PURSUANT TO PLANNING CODE SECTION 309 WITH EXCEPTIONS (demolish a one-story office building, four parking lots and pedestrian bridge; and construct a 120 foot, 13-story building with approximately 450,577sf, 420 dwelling units, three hotel room guest suites, and 9,000sf of ground floor retail on five lots). MOTION NO. 19351 FOR HEARING TODAY.

(5) **REHEARING REQUEST**

Revocation of Taxi Dispatch Permit. Letter from Julius Turman, attorney for SF American Taxicab Inc. / American Dispatch Co., appellant, requesting rehearing of Appeal No. 14-205, SF American Taxicab Inc. / American Dispatch Co. vs. MTA, decided April 29, 2015. At that time, the Board voted 3-1-1 (Vice President Honda dissented, Commissioner Swig absent) to deny the appeal and uphold the revocation on the basis that the MTA had good cause to revoke the permit.

(6) **JURISDICTION REQUEST**

Subject property at 23 Sparta Street. Letter from Phyllis Chu, requestor, asking that the Board take jurisdiction over BPA No. 2004/01/06/3464S, which was issued by the Dept. of Building Inspection on June 04, 2010; the appeal period ended on June 19, 2010, and the jurisdiction request was filed at the Board office on May 22, 2015. Permit Holder: Ying Kin Choy. Project: erect a two-story single-family dwelling with 1,386sf of ground floor area.

(7) **APPEAL NO. 15-064**

VADIM OSS & OXANA OSTANINA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	18, 50, 66-76 & 81 Lansing Street; 390 - 1st Street. Appealing the ISSUANCE on April 02, 2015, to Build Group, Inc., of a Tree Removal Permit (removal of twenty-seven (27) street trees on Lansing Street and 1st Street with replacement with approximately twenty-one (21) street trees; exact number of replacement trees depends on site constraints and planting guidelines established by Public Works). ORDER NO. 183463. FOR HEARING TODAY.

(8) **APPEAL NO. 15-066**

CELIA SHUMAN, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	1745 Alameda Street. Appealing the ISSUANCE on April 22, 2015, to Verizon Wireless, of a Wireless Box Permit (construction of a personal wireless service facility). PERMIT NO. 14WR-0159. FOR HEARING TODAY.

(9) **APPEAL NO. 15-060**

AMIR TALEBI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2744 Steiner Street. Protesting the ISSUANCE on April 03, 2015, to Bryan & Courtney Giraudo, of an Alteration Permit (scope of work for this permit under dashed areas only - see drawing; horizontal rear addition at 1st and 2nd floor; two new dormers on the south side and one dormer on the north side; all other work under separate permit). APPLICATION NO. 2014/02/14/8525S. FOR HEARING TODAY.

(10) **APPEAL NO. 15-063**

TRACY WEST & SIDNEY MORGAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	435 10th Avenue. Protesting the ISSUANCE on April 01, 2015, to Nick & Signe Holsman, of an Alteration Permit (horizontal and vertical addition in the rear for bedroom suite and den on the ground floor; new kitchen, family room, half bath and interior stair connecting on the second floor to the ground floor; extend existing bedroom and add master suite on the third floor; new deck off the second and third floors). APPLICATION NO. 2014/03/07/0225S. FOR HEARING TODAY.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **June 05, 2015**

MEMBERS OF THE BOARD OF APPEALS

ANN LAZARUS	PRESIDENT
DARRYL HONDA	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
RICK SWIG	COMMISSIONER
BOBBIE WILSON	COMMISSIONER

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed seven (7) minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JUNE 10, 2015

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Ann Lazarus, Vice President Darryl Honda, Commissioner Frank Fung and Commissioner Bobbie Wilson.

ABSENT: Commissioner Rick Swig.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Paul Chasan, Planner, Planning Department (PD); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Jarvis Murray, Enforcement and Legal Affairs Manager, Municipal Transportation Agency Division of Taxis and Accessible Services (MTA); Chris Buck, Acting Urban Forester, Department of Public Works Bureau of Urban Forestry (DPW); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

(1) **PUBLIC COMMENT**

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PUBLIC COMMENT: None.

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(2) **COMMISSIONER COMMENTS & QUESTIONS**

SPEAKERS: None.

(3) **ADOPTION OF MINUTES**

Discussion and possible adoption of the June 3, 2015 minutes.

ACTION: Upon motion by Vice President Honda, the Board voted 4-0-1 (Commissioner Swig absent) to adopt the June 3, 2015 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **APPEAL NO. 15-065**

HEATHER KILDAY & SARAH HICKEY, Appellants vs. PLANNING COMMISSION, Respondent	150 Van Ness Avenue. Protesting the ISSUANCE on April 02, 2015, to Marc Babsin / Emerald Fund, of an ADOPTION OF FINDINGS FOR A DOWNTOWN PROJECT AUTHORIZATION PURSUANT TO PLANNING CODE SECTION 309 WITH EXCEPTIONS (demolish a one-story office building, four parking lots and pedestrian bridge; and construct a 120 foot, 13-story building with approximately 450,577sf, 420 dwelling units, three hotel room guest suites, and 9,000sf of ground floor retail on five lots). MOTION NO. 19351 FOR HEARING TODAY.

ACTION: Upon motion by President Lazarus, the Board voted 4-0-1 (Commissioner Swig absent) to grant the appeal on the basis that the Planning Commission erred in its application of the lot coverage requirement on the ground floor, and to modify the Motion per the proposal submitted by the permit holder as Exhibit G in their brief to reconfigure the ground floor units, with a finding that the Board has reviewed the environmental documents associated with this project and found that no substantial change to the project has occurred that would require new environmental review, and with the adoption of the Mitigation Monitoring and Reporting Program set out as Exhibit C to the Motion.

SPEAKERS: Sarah Hickey, appellant; Heather Kilday, appellant; Ozborn Erickson, agent for permit holder; Steven Vettel, attorney for permit holder; Marc Babsin, agent for permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: Laurel Coco, Ana Casal, Kate Pfeifer, Amamda Hyer, Trishan Arul and Vineeta Gajwani spoke in support of the appellants. Jill Manton, Jim Warshell, Jessica Birmingham, Donald Dewsnup, Donald Savoic, Gabriel Metcalf and Tim Colen spoke in support of the permit holder.

(5) **REHEARING REQUEST**

Revocation of Taxi Dispatch Permit. Letter from Julius Turman, attorney for SF American Taxicab Inc. / American Dispatch Co., appellant, requesting rehearing of Appeal No. 14-205, SF American Taxicab Inc. / American Dispatch Co. vs. MTA, decided April 29, 2015. At that time, the Board voted 3-1-1 (Vice President Honda dissented, Commissioner Swig absent) to deny the appeal and uphold the revocation on the basis that the MTA had good cause to revoke the permit.

ACTION: Upon motion by Commissioner Fung, the Board voted 3-1-1 (Vice President Honda dissented and Commissioner Swig absent) to deny the request.

SPEAKERS: Julius Turman, attorney for requestor; Jarvis Murray, MTA.

PUBLIC COMMENT: Gratchia Makarian, Roger Cardenas, Sonny Tam, Sam Reungchai, Renate Wymiarkiewicz and Roman Antonov spoke in support of the requestor.

(6) **JURISDICTION REQUEST**

Subject property at 23 Sparta Street. Letter from Phyllis Chu, requestor, asking that the Board take jurisdiction over BPA No. 2004/01/06/3464S, which was issued by the Dept. of Building Inspection on June 04, 2010; the appeal period ended on June 19, 2010, and the jurisdiction request was filed at the Board office on May 22, 2015. Permit Holder: Ying Kin Choy. Project: erect a two-story single-family dwelling with 1,386sf of ground floor area.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Swig absent) to deny the request.

SPEAKERS: Phyllis Chu, requestor; Greg Choy, agent for permit holder; Scott Sanchez, ZA; Joseph Duffy.

PUBLIC COMMENT: Russel Morine, Flomer Williams, Armin Buchter, Cora McCoy, Alejadro Cardenas, Anne Seeman and Frank Taylor spoke in support of the requestor.

(7) **APPEAL NO. 15-064**

VADIM OSS & OXANA OSTANINA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	18, 50, 66-76 & 81 Lansing Street; 390 - 1st Street. Appealing the ISSUANCE on April 02, 2015, to Build Group, Inc., of a Tree Removal Permit (removal of twenty-seven (27) street trees on Lansing Street and 1st Street with replacement with approximately twenty-one (21) street trees; exact number of replacement trees depends on site constraints and planting guidelines established by Public Works). ORDER NO. 183463. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Swig absent) to deny the appeal and uphold the permit on the condition that the trees may not be removed until the tree planting permit for this site is issued, on the basis that the parties need more time to seek a resolution.

SPEAKERS: Vadim Oss, appellant; Adam Tartakovsky, agent for permit holder; Chris Buck, DPW; Paul Chasan, PD.

PUBLIC COMMENT: Geraldine Fajardo spoke in support of the permit holder.

(8) **APPEAL NO. 15-066**

CELIA SHUMAN, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	1745 Alameda Street. Appealing the ISSUANCE on April 22, 2015, to Verizon Wireless, of a Wireless Box Permit (construction of a personal wireless service facility). PERMIT NO. 14WR-0159. FOR HEARING TODAY.

ACTION: Withdrawn prior to hearing.

(9) **APPEAL NO. 15-060**

AMIR TALEBI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2744 Steiner Street. Protesting the ISSUANCE on April 03, 2015, to Bryan & Courtney Giraudo, of an Alteration Permit (scope of work for this permit under dashed areas only - see drawing; horizontal rear addition at 1st and 2nd floor; two new dormers on the south side and one dormer on the north side; all other work under separate permit). APPLICATION NO. 2014/02/14/8525S. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Honda, the Board voted 4-0-1 (Commissioner Swig absent) to deny the appeal and uphold the permit on the basis that it was properly issued.

SPEAKERS: Amir Talebi, appellant; David Cincotta, attorney for permit holder; Bryan Giraudo, permit holder; Stephen Sutro, agent for permit holder; Scott Sanchez, ZA.

PUBLIC COMMENT: Jeff Spaulding spoke in support of the permit holder.

(10) **APPEAL NO. 15-063**

TRACY WEST & SIDNEY MORGAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	435 10th Avenue. Protesting the ISSUANCE on April 01, 2015, to Nick & Signe Holsman, of an Alteration Permit (horizontal and vertical addition in the rear for bedroom suite and den on the ground floor; new kitchen, family room, half bath and interior stair connecting on the second floor to the ground floor; extend existing bedroom and add master suite on the third floor; new deck off the second and third floors). APPLICATION NO. 2014/03/07/0225S. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Honda, the Board voted 4-0-1 (Commissioner Swig absent) to deny the appeal and uphold the permit on the basis that it was properly issued.

SPEAKERS: Tracy West, appellant; David Cincotta, attorney for appellant; Signe Holsman, permit holder; Nick Holsman, permit holder; George Sun, agent for permit holder; Donald Fransen, agent for permit holder; Scott Sanchez, ZA.

PUBLIC COMMENT: Christopher Rillo spoke in support of the appellants. Todd Parent spoke in support of the permit holder.

ADJOURNMENT.

There being no further business, President Lazarus adjourned the meeting at 10:30 p.m.

City and County of San Francisco

Edwin M. Lee
Mayor

Board of Appeals

Cynthia G. Goldstein
Executive Director

PUBLIC NOTICE

The Board of Appeals has **NOT SCHEDULED** a meeting for June 17, 2015. The next regular meeting is scheduled for **WEDNESDAY, JUNE 24, 2015**, City Hall, Room 416, 5:00 pm, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: **June 12, 2015**

06-12-15P01:09 RCVD

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JUNE 24, 2015

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

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/24/15

(1) PUBLIC COMMENT

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

06-19-15P12:15 RCVD

(2) COMMISSIONER COMMENTS & QUESTIONS

GOVERNMENT
DOCUMENTS DEPT

(3) ADOPTION OF MINUTES

Discussion and possible adoption of the June 10, 2015 minutes.

JUN 19 2015

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(4) SPECIAL ITEM

Presentation by San Francisco Rent Board staff on services offered to landlords and tenants, including with respect to the removal of illegal dwelling units.

(5) APPEAL NO. 15-059

1834-1838 GOLDEN GATE AVENUE HOMEOWNERS' ASSOCIATION, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1840-1844 Golden Gate Avenue. Protesting the ISSUANCE on March 25, 2015, to 1042 Golden Gate Avenue LLC, of an Alteration Permit (comply with NOV No. 201413841; remodel three existing apartments; remodel three kitchens and six bathrooms; add two new bathrooms; new plumbing and electrical work; new HVAC System and ducts; upgrade building structure from type 5B to 5A; new fire sprinkler system under separate permit). APPLICATION NO. 2015/01/23/6654. FOR HEARING TODAY.

(6) **REHEARING REQUEST**

Subject property at 2853-2857 Broderick Street. Letter from Stephen Williams, attorney for Paul Wythes, appellant, requesting rehearing of Appeal No. 15-042, Wythes vs. DBI, PDA, decided April 29, 2015. At that time, the Board voted 2-2-1 (Vice President Honda and Commissioner Wilson dissented, Commissioner Swig absent) to deny the appeal and uphold the permit on the basis that the dwelling unit merger determination by the Zoning Administrator was correct; absent three votes needed to pass, the motion failed; with no further motion made, the permit was upheld by operation of law. **Permit Holder:** Pam Whitehead. **Project:** to clarify height of building before and after being raised 36" under BPA No. 2011/03/25/2839; to correct previously shown heights to roof ridge top; comply with DBI correction notices; dwelling unit merger; additions to side, rear and 4th floor; revises BPA Nos. 2011/03/11/1905, 2011/03/25/2839, 2011/08/03/1630, 2012/09/26/0727 & 2013/09/24/7638; BPA No. 2013/07/01/0898S.

(7) **APPEAL NO. 15-067**

ADNAN ATALLAH, Appellant(s) vs. MUNICIPAL TRANSPORTATION AGENCY, Respondent	Appealing the REVOCATION on April 28, 2015, of Taxi Permit No. S-129. FOR HEARING TODAY.

ITEMS (8A) & (8B) SHALL BE HEARD TOGETHER:

(8A) **APPEAL NO. 15-049**

DOROTHY LARSON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	910 Carolina Street. Protesting the ISSUANCE on March 20, 2015, to Leon Kemel, of a Permit to Erect a Building (construct a three-story, single-family dwelling with 4,848sf of ground floor area). APPLICATION NO. 2013/03/12/2050S. PUBLIC HEARING HELD ON MAY 06, 2015. FOR FURTHER CONSIDERATION TODAY. **Note: matter was continued to allow time for the parties to negotiate issues such as a reduction in bulk, maximizing light and air, and compatibility with the neighborhood.**

(8B) **APPEAL NO. 15-051**

PEGGY SNIDER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	910 Carolina Street. Protesting the ISSUANCE on March 20, 2015, to Leon Kemel, of a Permit to Erect a Building (construct a three-story, single-family dwelling with 4,848sf of ground floor area). APPLICATION NO. 2013/03/12/2050S. PUBLIC HEARING HELD ON MAY 06, 2015. FOR FURTHER CONSIDERATION TODAY. **Note: matter was continued to allow time for the parties to negotiate issues such as a reduction in bulk, maximizing light and air, and compatibility with the neighborhood.**

ITEMS (9A), (9B), (9C), & (9D) SHALL BE HEARD TOGETHER:

(9A) **APPEAL NO. 13-095**

THE MARSH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1050 Valencia Street. Protesting the ISSUANCE on July 17, 2013, to M. Rutherford Trust / Shizuo Holdings, Demolition Permit (demolish one-story restaurant building with 2,000sf of ground floor area). APPLICATION NO. 2010/12/27/7436. FOR FURTHER CONSIDERATION TODAY PURSUANT TO SUPERIOR COURT ORDER NO. CPF-14-513752.

(9B) **APPEAL NO. 13-096**

THE MARSH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1050-1058 Valencia Street. Protesting the ISSUANCE on July 17, 2013, to M. Rutherford Trust / Shizuo Holdings, Permit to Erect a Building (erect a five-story, 12-unit apartment/retail/parking building with 3000sf of ground floor area) APPLICATION NO. 2010/12/27/7437"S". FOR FURTHER CONSIDERATION TODAY PURSUANT TO SUPERIOR COURT ORDER NO. CPF-14-513752.

(9C) **APPEAL NO. 13-097**

ALICIA GAMEZ, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1050 Valencia Street. Protesting the ISSUANCE on July 17, 2013, to M. Rutherford Trust / Shizuo Holdings, Demolition Permit (demolish one-story restaurant building with 2,000sf of ground floor area). APPLICATION NO. 2010/12/27/7436. FOR FURTHER CONSIDERATION TODAY PURSUANT TO SUPERIOR COURT ORDER NO. CPF-14-513752.

(9D) **APPEAL NO. 13-098**

ALICIA GAMEZ, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1050-1058 Valencia Street. Protesting the ISSUANCE on July 17, 2013, to M. Rutherford Trust / Shizuo Holdings, Permit to Erect a Building (erect a five-story, 12-unit apartment/retail/parking building with 3000sf of ground floor area) APPLICATION NO. 2010/12/27/7437"S". FOR FURTHER CONSIDERATION TODAY PURSUANT TO SUPERIOR COURT ORDER NO. CPF-14-513752.

ITEMS (10A) & (10B) SHALL BE HEARD TOGETHER:

(10A) **APPEAL NO. 15-033**

STEPHEN WILLIAMS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2251 Greenwich Street. Protesting the ISSUANCE on February 12, 2015, to Fire Department, of a Permit to Erect a Building (construct a two-story fire station with 5,750sf of ground floor area). APPLICATION NO. 2013/12/20/4680S. FOR HEARING TODAY.

(10B) **APPEAL NO. 15-034**

PAUL MILEK, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2251 Greenwich Street. Protesting the ISSUANCE on February 12, 2015, to Fire Department, of a Permit to Erect a Building (construct a two-story fire station with 5,750sf of ground floor area). APPLICATION NO. 2013/12/20/4680S. FOR HEARING TODAY.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **June 19, 2015**

MEMBERS OF THE BOARD OF APPEALS

ANN LAZARUS	PRESIDENT
DARRYL HONDA	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
RICK SWIG	COMMISSIONER
BOBBIE WILSON	COMMISSIONER

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed seven (7) minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

Those members of the public who intend to testify about a particular appeal and wish to have the Board give their testimony evidentiary weight for purposes of deciding the appeal are asked to take an oath. Please note that any member of the public may speak without being sworn-in pursuant to their rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code).

SPECIAL NOTES

If the Board continues a matter to a specific date that is announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 415-575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa.

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:30 p.m. one (1) Thursday prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies. Please note that names and addresses included in these submittals will become part of the public record. Submittals may be made anonymously.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

American sign language interpreters, translation services and/or sound enhancement will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing.

Intérpretes de lenguaje de señas americano, servicio de traducción y/o mejoramiento del sonido estará disponible a petición contactando con personal de la Junta al 415-575-6880 por lo menos 48 horas antes de la audiencia.

美国手语翻译, 翻译服务和/或声音增强将可在聆讯前48小时通过联系575-6880局人员要求.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Board's web site, www.sfgov.org/boa.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGOVTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JUNE 24, 2015

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Ann Lazarus, Vice President Darryl Honda, Commissioner Frank Fung and Commissioner Bobbie Wilson.

ABSENT: Commissioner Rick Swig.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Jarvis Murray, Enforcement and Legal Affairs Manager, Municipal Transportation Agency Division of Taxis and Accessible Services (MTA); Charles Higueras, Program Manager, Department of Public Works (DPW) Samuel Chui, Project Manager, DPW; Robert Collins, Deputy Director, San Francisco Rent Board; Ken Lombardi, Assistant Deputy Chief, San Francisco Fire Department, (SFFD); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

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(1) PUBLIC COMMENT

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

PUBLIC COMMENT: None.

(2) COMMISSIONER COMMENTS & QUESTIONS

SPEAKERS: None.

(3) ADOPTION OF MINUTES

Discussion and possible adoption of the June 10, 2015 minutes.

ACTION: Upon motion by Vice President Honda, the Board voted 4-0-1 (Commissioner Swig absent) to adopt the June 10, 2015 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **SPECIAL ITEM**

Presentation by San Francisco Rent Board staff on services offered to landlords and tenants, including with respect to the removal of illegal dwelling units.

SPEAKERS: Robert Collins, Deputy Director of the San Francisco Rent Board, described the operation of the Rent Board Commission, the jurisdiction of the Rent Board, and the Department's services, including services related to evictions of tenants living in illegal dwellings units. Scott Sanchez provided the Board with information on the numbers of people contacting the Planning Department regarding the legalization of unpermitted dwelling units dwelling units.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 15-059**

1834-1838 GOLDEN GATE AVENUE HOMEOWNERS' ASSOCIATION, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1840-1844 Golden Gate Avenue. Protesting the ISSUANCE on March 25, 2015, to 1042 Golden Gate Avenue LLC, of an Alteration Permit (comply with NOV No. 201413841; remodel three existing apartments; remodel three kitchens and six bathrooms; add two new bathrooms; new plumbing and electrical work; new HVAC System and ducts; upgrade building structure from type 5B to 5A; new fire sprinkler system under separate permit). APPLICATION NO. 2015/01/23/6654. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Swig absent) to grant the appeal on the following condition: (1) the Notice of Special Restrictions (NSR) submitted to the Board at the hearing be recorded; (2) the plans be revised as shows in the plan set submitted to the Board at the Board at the hearing; and (3) page A 0.0 of the revised plans be amended to reflect the language in paragraph 3 of the NSR; on the basis that this reflects the agreement of the parties.

SPEAKERS: Ryan Patterson, attorney for appellants; Ilene Dick, attorney for permit holder; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

(6) **REHEARING REQUEST**

Subject property at 2853-2857 Broderick Street. Letter from Stephen Williams, attorney for Paul Wythes, appellant, requesting rehearing of Appeal No. 15-042, Wythes vs. DBI, PDA, decided April 29, 2015. At that time, the Board voted 2-2-1 (Vice President Honda and Commissioner Wilson dissented, Commissioner Swig absent) to deny the appeal and uphold the permit on the basis that the dwelling unit merger determination by the Zoning Administrator was correct; absent three votes needed to pass, the motion failed; with no further motion made, the permit was upheld by operation of law. **Permit Holder:** Pam Whitehead. **Project:** to clarify height of building before and after being raised 36" under BPA No. 2011/03/25/2839; to correct previously shown heights to roof ridge top; comply with DBI correction notices; dwelling unit merger; additions to side, rear and 4th floor; revises BPA Nos. 2011/03/11/1905, 2011/03/25/2839, 2011/08/03/1630, 2012/09/26/0727 & 2013/09/24/7638; BPA No. 2013/07/01/0898S.

ACTION: Upon motion by Vice President Honda, the Board voted 4-0-1 (Commissioner Swig absent) to deny the request.

SPEAKERS: Stephen Williams, attorney for requestor; Ilene Dick, attorney for permit holder; Scott Sanchez, ZA.

PUBLIC COMMENT: Irving Zaretsky spoke in support of the requestor.

(7) **APPEAL NO. 15-067**

ADNAN ATALLAH, Appellant(s) vs. MUNICIPAL TRANSPORTATION AGENCY, Respondent	Appealing the REVOCATION on April 28, 2015, of Taxi Permit No. S-129. FOR HEARING TODAY.

ACTION: Upon motion by President Lazarus, the Board voted 2-2-1 (Vice President Honda and Commissioner Fung dissented and Commissioner Swig absent) to deny the appeal and uphold the revocation on the basis that the permit was improperly issued. Lacking the three votes needed to pass, the motion failed. With no further motion made, the revocation was upheld by operation of law.

SPEAKERS: Heidi Machen, attorney for appellant; Jarvis Murray, MTA.

PUBLIC COMMENT: None.

ITEMS (8A) & (8B) SHALL BE HEARD TOGETHER:

(8A) **APPEAL NO. 15-049**

DOROTHY LARSON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	910 Carolina Street. Protesting the ISSUANCE on March 20, 2015, to Leon Kemel, of a Permit to Erect a Building (construct a three-story, single-family dwelling with 4,848sf of ground floor area). APPLICATION NO. 2013/03/12/2050S. PUBLIC HEARING HELD ON MAY 06, 2015. FOR FURTHER CONSIDERATION TODAY. **Note: matter was continued to allow time for the parties to negotiate issues such as a reduction in bulk, maximizing light and air, and compatibility with the neighborhood.**

(8B) **APPEAL NO. 15-051**

PEGGY SNIDER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	910 Carolina Street. Protesting the ISSUANCE on March 20, 2015, to Leon Kemel, of a Permit to Erect a Building (construct a three-story, single-family dwelling with 4,848sf of ground floor area). APPLICATION NO. 2013/03/12/2050S. PUBLIC HEARING HELD ON MAY 06, 2015. FOR FURTHER CONSIDERATION TODAY. **Note: matter was continued to allow time for the parties to negotiate issues such as a reduction in bulk, maximizing light and air, and compatibility with the neighborhood.**

ACTION: Upon motion by Vice President Honda, the Board voted 4-0-1 (Commissioner Swig absent) to grant the appeals and condition the permit on the revised plans dated June 17, 2015, on the basis that the reduction in the revised plans is sufficient.

SPEAKERS: John Kevlin, attorney for appellant; Dorothy Larson, appellant; Peggy Snider, appellant; Scott Sanchez, ZA.

PUBLIC COMMENT: Kathy Pagan Quadros, Elizabeth Brodersen and Kirsten Curtis spoke in support of the appellants.

ITEMS (9A), (9B), (9C), & (9D) SHALL BE HEARD TOGETHER:

(9A) **APPEAL NO. 13-095**

THE MARSH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1050 Valencia Street. Protesting the ISSUANCE on July 17, 2013, to M. Rutherford Trust / Shizuo Holdings, Demolition Permit (demolish one-story restaurant building with 2,000sf of ground floor area). APPLICATION NO. 2010/12/27/7436. FOR FURTHER CONSIDERATION TODAY PURSUANT TO SUPERIOR COURT ORDER NO. CPF-14-513752.

(9B) **APPEAL NO. 13-096**

THE MARSH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1050-1058 Valencia Street. Protesting the ISSUANCE on July 17, 2013, to M. Rutherford Trust / Shizuo Holdings, Permit to Erect a Building (erect a five-story, 12-unit apartment/retail/parking building with 3000sf of ground floor area) APPLICATION NO. 2010/12/27/7437"S". FOR FURTHER CONSIDERATION TODAY PURSUANT TO SUPERIOR COURT ORDER NO. CPF-14-513752.

(9C) **APPEAL NO. 13-097**

ALICIA GAMEZ, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1050 Valencia Street. Protesting the ISSUANCE on July 17, 2013, to M. Rutherford Trust / Shizuo Holdings, Demolition Permit (demolish one-story restaurant building with 2,000sf of ground floor area). APPLICATION NO. 2010/12/27/7436. FOR FURTHER CONSIDERATION TODAY PURSUANT TO SUPERIOR COURT ORDER NO. CPF-14-513752.

(9D) **APPEAL NO. 13-098**

ALICIA GAMEZ, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1050-1058 Valencia Street. Protesting the ISSUANCE on July 17, 2013, to M. Rutherford Trust / Shizuo Holdings, Permit to Erect a Building (erect a five-story, 12-unit apartment/retail/parking building with 3000sf of ground floor area) APPLICATION NO. 2010/12/27/7437"S". FOR FURTHER CONSIDERATION TODAY PURSUANT TO SUPERIOR COURT ORDER NO. CPF-14-513752.

ACTION: Upon motion by President Lazarus, the Board voted 4-0-1 (Commissioner Swig absent) to adopt the revised findings as amended to reflect the correct permit issuance date in paragraph one.

SPEAKERS: Stephen Williams, attorney for appellant Alicia Gamez; Mary Gallagher, attorney for appellant The Marsh; Ilene Dick, attorney for permit holder.

PUBLIC COMMENT: Elizabeth Zitrin, Leonard Fisher, Alice LaRocca, John Levin, Lisa Fromer and Risa Teitelbaum spoke in support of the appellants. Sylvia Johnson also spoke to the Board.

ITEMS (10A) & (10B) SHALL BE HEARD TOGETHER:

(10A) **APPEAL NO. 15-033**

STEPHEN WILLIAMS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2251 Greenwich Street. Protesting the ISSUANCE on February 12, 2015, to Fire Department, of a Permit to Erect a Building (construct a two-story fire station with 5,750sf of ground floor area). APPLICATION NO. 2013/12/20/4680S. FOR HEARING TODAY.

(10B) **APPEAL NO. 15-034**

PAUL MILEK, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2251 Greenwich Street. Protesting the ISSUANCE on February 12, 2015, to Fire Department, of a Permit to Erect a Building (construct a two-story fire station with 5,750sf of ground floor area). APPLICATION NO. 2013/12/20/4680S. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Swig absent) to deny the appeals and uphold the permit on the basis that it was properly issued.

SPEAKERS: Stephen Williams, appellant; Paul Milek, appellant; Charles Higueras, DPW; Ken Lombardi, Assistant Deputy Chief, SFFD; Samuel Chui, DPW; Scott Sanchez, ZA.

PUBLIC COMMENT: Sylvia Johnson.

ADJOURNMENT.

There being no further business, President Lazarus adjourned the meeting at 9:00 p.m.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JULY 01, 2015

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) **COMMISSIONER COMMENTS & QUESTIONS**

(3) **ADOPTION OF MINUTES**

Discussion and possible adoption of the June 24, 2015 minutes.

(4) **REHEARING REQUEST**

Subject property at 1055 Ashbury Street. Letter from Francis D. Ryan, appellant, requesting rehearing of Appeal No. 15-037, Ryan vs. DBI, PDA, decided May 13, 2015. At that time, the Board voted 4-0-1 (Commissioner Swig recused) to uphold the permit with adoption of revised plans dated May 06, 2015 on the basis that the scale of the rear wall was not appropriate to the balance of the neighborhood. **Permit Holder:** Chris Durkin. **Project:** construct a 4-story, single-family dwelling with 700sf of ground floor area; BPA No. 2013/07/31/3282S.

(5) **REHEARING REQUEST**

Subject property at 2809-2811 Polk Street. Letter from Augustine Fallay, agent for Andrei Urazov, appellant, requesting rehearing of Appeal No. 15-055, Urazov vs. DBI, PDA, decided June 03, 2015. At that time, the Board voted 5-0 to uphold the permit on the basis that it was appropriately authorized. **Permit Holder:** Richard Bradley. **Project:** horizontal and vertical addition; reconfiguration of all floors; 3rd floor master bedroom addition; BPA No. 2014/02/28/9613S.

(6) **APPEAL NO. 15-074**

RANDALL & ANNE BRUBAKER , Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	2215 Leavenworth Street. Protesting the ISSUANCE on May 01, 2015, to Extenet Systems Inc., of a WIRELESS BOX PERMIT (construction of a personal wireless service facility). APPLICATION NO. 14WR-0108. FOR HEARING TODAY.

(7) **APPEAL NO. 15-075**

MARTHA VAN GALDER, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	1294 Vallejo Street. Protesting the ISSUANCE on May 01, 2015, to Extenet Systems Inc., of a WIRELESS BOX PERMIT (construction of a personal wireless service facility). APPLICATION NO. 14WR-0044. FOR HEARING TODAY.

(8) **APPEAL NO. 15-077**

JASON FESSEL & SARAH MARS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	2151 Jones Street. Protesting the ISSUANCE on May 04, 2015, to Extenet Systems Inc., of a WIRELESS BOX PERMIT (construction of a personal wireless service facility). APPLICATION NO. 14WR-0023. FOR HEARING TODAY.

(9) **APPEAL NO. 15-078**

JOAN WOOD, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	756 Chestnut Street. Protesting the ISSUANCE on May 01, 2015, to Extenet Systems Inc., of a WIRELESS BOX PERMIT (construction of a personal wireless service facility). APPLICATION NO. 14WR-0039. FOR HEARING TODAY.

(10) **APPEAL NO. 15-070**

WILLIAM GORDON KAUPP & BETH FEINBERG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	287 Cresta Vista Avenue. Protesting the ISSUANCE on April 30, 2015, to Jianseng Chen, of an Alteration Permit (temporary shoring). APPLICATION NO. 2014/07/10/0951. FOR HEARING TODAY.

ITEMS (11A) AND (11B) SHALL BE HEARD TOGETHER:

(11A) **APPEAL NO. 15-071**

JORDAN HUBBARD & ANGELA CROSS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	57 Eureka Street. Protesting the ISSUANCE on May 11, 2015, to Charles Lebedeff, of a Plumbing Permit (remove gas stove and cap gas pipes; update and repair plumbing to Code). APPLICATION NO. PP2015/04/24/007. FOR HEARING TODAY.

(11B) **APPEAL NO. 15-072**

JORDAN HUBBARD & ANGELA CROSS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	57 Eureka Street. Protesting the ISSUANCE on April 27, 2015, to Charles Lebedeff, of an Electrical Permit (for correction and project as per violation No. 201415721; 20 ckts; reference BPA No. 2015/03/02/9720). APPLICATION NO. E2015/04/27/8116. FOR HEARING TODAY.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **June 26, 2015**

MEMBERS OF THE BOARD OF APPEALS

ANN LAZARUS	PRESIDENT
DARRYL HONDA	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
RICK SWIG	COMMISSIONER
BOBBIE WILSON	COMMISSIONER

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed seven (7) minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

Those members of the public who intend to testify about a particular appeal and wish to have the Board give their testimony evidentiary weight for purposes of deciding the appeal are asked to take an oath. Please note that any member of the public may speak without being sworn-in pursuant to their rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code).

SPECIAL NOTES

If the Board continues a matter to a specific date that is announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 415-575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa.

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:30 p.m. one (1) Thursday prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the

Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies. Please note that names and addresses included in these submittals will become part of the public record. Submittals may be made anonymously.
Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

American sign language interpreters, translation services and/or sound enhancement will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing.

Intérpretes de lenguaje de señas americano, servicio de traducción y/o mejoramiento del sonido estará disponible a petición contactando con personal de la Junta al 415-575-6880 por lo menos 48 horas antes de la audiencia.

美国手语翻译, 翻译服务和/或声音增强将可在聆讯前48小时通过联系575-6880局人员要求.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business.

This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Board's web site, www.sfgov.org/boa.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGOVTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JULY 1, 2015

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Ann Lazarus, Vice President Darryl Honda, Commissioner Frank Fung, Commissioner Bobbie Wilson and Commissioner Rick Swig.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Omar Masry, Planner, Planning Department (PD); Carla Short, Deputy Bureau Manager, Department of Public Works Bureau of Street Use and Mapping (DPW); Gene Chan, DPW; Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

(1) **PUBLIC COMMENT**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

PUBLIC COMMENT: Sylvia Johnson addressed the Board.

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(2) **COMMISSIONER COMMENTS & QUESTIONS**

SPEAKERS: None.

(3) **ADOPTION OF MINUTES**

Discussion and possible adoption of the June 10, 2015 minutes.

ACTION: Upon motion by Vice President Honda, the Board voted 5-0 to adopt the June 10, 2015 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **REHEARING REQUEST**

Subject property at 1055 Ashbury Street. Letter from Francis D. Ryan, appellant, requesting rehearing of Appeal No. 15-037, Ryan vs. DBI, PDA, decided May 13, 2015. At that time, the Board voted 4-0-1 (Commissioner Swig recused) to uphold the permit with adoption of revised plans dated May 06, 2015 on the basis that the scale of the rear wall was not appropriate to the balance of the neighborhood. **Permit Holder:** Chris Durkin. **Project:** construct a 4-story, single-family dwelling with 700sf of ground floor area; BPA No. 2013/07/31/3282S.

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to deny the request.

SPEAKERS: Francis Ryan, requestor; John Kevlin, attorney for permit holder.

PUBLIC COMMENT: None.

(5) **REHEARING REQUEST**

Subject property at 2809-2811 Polk Street. Letter from Augustine Fallay, agent for Andrei Urazov, appellant, requesting rehearing of Appeal No. 15-055, Urazov vs. DBI, PDA, decided June 03, 2015. At that time, the Board voted 5-0 to uphold the permit on the basis that it was appropriately authorized. **Permit Holder:** Richard Bradley. **Project:** horizontal and vertical addition; reconfiguration of all floors; 3rd floor master bedroom addition; BPA No. 2014/02/28/9613S.

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to deny the request.

SPEAKERS: Augustine Fallay, agent for requestor; Virginie Manichon, agent for permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: Sylvia Johnson.

(6) **APPEAL NO. 15-074**

RANDALL & ANNE BRUBAKER , Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	2215 Leavenworth Street. Protesting the ISSUANCE on May 01, 2015, to Extenet Systems Inc., of a WIRELESS BOX PERMIT (construction of a personal wireless service facility). APPLICATION NO. 14WR-0108. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Swig, the Board voted 5-0 to deny the appeal and uphold the permit on the basis that it is Code compliant.

SPEAKERS: Randall Brubaker, appellant; Ann Brubaker, appellant; Paul Albritton, attorney for permit holder; Nicole Mason, agent for permit holder; Gene Chan, DPW; Omar Masry, PD.

PUBLIC COMMENT: Sarah Taber, Lindsey Phillips, Richard Cardello, Sandra Church, Sarah Mars, Jason Fessel, Joan Wood and Pierre Grenier spoke in support of the appellants. Bob Planthold, Marsha Garland, Igor Goulaevsky, Daniel Leone and Victoria VanLaanen spoke in support of the permit holder. Sylva Johnson and an anonymous speaker also addressed the Board.

(7) **APPEAL NO. 15-075**

MARTHA VAN GALDER, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	1294 Vallejo Street. Protesting the ISSUANCE on May 01, 2015, to Extenet Systems Inc., of a WIRELESS BOX PERMIT (construction of a personal wireless service facility). APPLICATION NO. 14WR-0044. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Swig, the Board voted 4-1 (Vice President Honda dissented) to deny the appeal and uphold the permit on the basis that it is Code compliant.

SPEAKERS: Hiro Kagiyama, agent for appellant; Paul Albritton, attorney for permit holder; Nicole Mason, agent for permit holder; Gene Chan, DPW; Carla Short, DPW; Omar Masry, PD.

PUBLIC COMMENT: Nancy Crane, Karen Burns, Sarah Mars, Jason Fessel, Sandra Church, Joan Wood, Ann Brubaker and Jim Gordon spoke in support of the appellant. An anonymous speaker also addressed the Board.

(8) **APPEAL NO. 15-077**

JASON FESSEL & SARAH MARS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	2151 Jones Street. Protesting the ISSUANCE on May 04, 2015, to Extenet Systems Inc., of a WIRELESS BOX PERMIT (construction of a personal wireless service facility). APPLICATION NO. 14WR-0023. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to deny the appeal and uphold the permit on the basis that it is Code compliant.

SPEAKERS: Jason Fessel, appellant; Sarah Mars, appellant; Paul Albritton, attorney for permit holder; Gene Chan, DPW; Omar Masry, PD.

PUBLIC COMMENT: Joan Wood, Martha VanGalder and Ann Brubaker spoke in support of the appellants.

(9) **APPEAL NO. 15-078**

JOAN WOOD, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	756 Chestnut Street. Protesting the ISSUANCE on May 01, 2015, to Extenet Systems Inc., of a WIRELESS BOX PERMIT (construction of a personal wireless service facility). APPLICATION NO. 14WR-0039. FOR HEARING TODAY.

ACTION: Upon motion by President Lazarus, the Board voted 5-0 to deny the appeal and uphold the permit on the basis that it is Code compliant.

SPEAKERS: Joan Wood, appellant; Paul Albritton, attorney for permit holder; Gene Chan, DPW.

PUBLIC COMMENT: Martha Van Galder, Ann Brubaker, Sarah Mars and Jason Fessel spoke in support of the appellant.

(10) **APPEAL NO. 15-070**

WILLIAM GORDON KAUPP & BETH FEINBERG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	287 Cresta Vista Avenue. Protesting the ISSUANCE on April 30, 2015, to Jianseng Chen, of an Alteration Permit (temporary shoring). APPLICATION NO. 2014/07/10/0951. FOR HEARING TODAY.

ACTION: Upon motion by President Lazarus, the Board voted 5-0 to reschedule this matter to July 15, 2015 at the request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

ITEMS (11A) AND (11B) SHALL BE HEARD TOGETHER:

(11A) **APPEAL NO. 15-071**

JORDAN HUBBARD & ANGELA CROSS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	57 Eureka Street. Protesting the ISSUANCE on May 11, 2015, to Charles Lebedeff, of a Plumbing Permit (remove gas stove and cap gas pipes; update and repair plumbing to Code). APPLICATION NO. PP2015/04/24/007. FOR HEARING TODAY.

(11B) **APPEAL NO. 15-072**

JORDAN HUBBARD & ANGELA CROSS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	57 Eureka Street. Protesting the ISSUANCE on April 27, 2015, to Charles Lebedeff, of an Electrical Permit (for correction and project as per violation No. 201415721; 20 ckts; reference BPA No. 2015/03/02/9720). APPLICATION NO. E2015/04/27/8116. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Swig, the Board voted 2-3 (Vice President Honda, Commissioner Fung and Commissioner Wilson dissented) to continue the appeals to July 15, 2015 to allow time for clarification from the Department of Building Inspection as to whether the Notice of Violation will be revised, and for the permit holder to obtain the confidential Assessor's report for his property and a clearer copy of the Water Department records for the property if available. Lacking the three votes needed to pass, the motion failed. Upon motion by Commissioner Fung, the Board voted 3-2 (Vice President Honda and Commissioner Wilson dissented) to deny the appeals and uphold permits on the basis that they are Code compliant.

SPEAKERS: Jordan Hubbard, appellant; Angela Cross, appellant; Charles Lebedeff, permit holder; Joseph Duffy, DBI; Scott Sanchez, ZA.

PUBLIC COMMENT: Patrick Buscovich spoke in support of the appellants.

ADJOURNMENT.

There being no further business, President Lazarus adjourned the meeting at 10:50 p.m.

City and County of San Francisco

Edwin M. Lee
Mayor

Board of Appeals

Cynthia G. Goldstein
Executive Director

PUBLIC NOTICE

The Board of Appeals has **NOT SCHEDULED** a meeting for July 08, 2015. The next regular meeting is scheduled for **WEDNESDAY, JULY 15, 2015**, City Hall, Room 416, 5:00 pm, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

SF
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cancelled

Sincerely,

BOARD STAFF

Date Posted: **July 02, 2015**

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1650 Mission Street, Suite 304
San Francisco, CA 94103

Phone: 415-575-6880
Fax: 415-575-6885

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JULY 15, 2015

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONER COMMENTS & QUESTIONS**

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(3) **ADOPTION OF MINUTES**

Discussion and possible adoption of the July 01, 2015 minutes.

(4) **REHEARING REQUEST**

Subject property at 18, 50, 66-76 & 81 Lansing Street, and 390 – 1st Street. Letter from Vadim Oss, co-appellant, requesting rehearing of Appeal No. 15-064, Oss & Ostanina vs. DPW BUF, decided June 10, 2015. At that time, the Board voted 4-0-1 (Commissioner Swig absent) to uphold the permit on the condition that the tree removals not occur until the planting permit is issued, and on the basis that the parties need more time to seek a resolution. **Permit Holder:** Build Group, Incorporated. **Project:** removal of twenty-seven (27) street trees on Lansing Street and 1st Street with replacement with approximately twenty-one (21) street trees; exact number of replacement trees depends on site constraints and planting guidelines established by Public Works; ORDER NO. 183463.

ITEMS (5A) AND (5B) SHALL BE HEARD TOGETHER:

(5A) **APPEAL NO. 15-080**

LA URBANA RESTAURANT, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	661 Divisadero Street. Appealing the CONDITIONS imposed on May 13, 2015, on a Sidewalk Tables & Chairs Permit (total of 10 tables and 20 chairs on Grove Street; operating hours of outdoor seating to be 11am to 930pm daily). APPLICATION NO. 14TC-0547 ORDER NO. 183612. FOR HEARING TODAY.

(5B) **APPEAL NO. 15-084**

GROVE RESIDENTS' RIGHTS RESOURCE, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	661 Divisadero Street. Protesting the ISSUANCE on May 13, 2015, to La Urbana Restaurant, of a Sidewalk Tables & Chairs Permit (total of 10 tables and 20 chairs on Grove Street; operating hours of outdoor seating to be 11am to 930pm daily). APPLICATION NO. 14TC-0547. ORDER NO. 183612. FOR HEARING TODAY.

(6) **APPEAL NO. 15-073**

ROSEMARY KIM & MARGOT BEALL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	221 - 5th Avenue. Protesting the ISSUANCE on April 28, 2015, to Gregor & Annika Ehrlich, of an Alteration Permit (revision to BPA No. 2014/07/31/2691; construct changes to front stairs; reconfigure straight run of stairs to stairs with landing). APPLICATION NO. 2015/03/30/2302. FOR HEARING TODAY.

(7) **APPEAL NO. 15-079**

PERRY BROWN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1950 - 22nd Avenue. Protesting the ISSUANCE on May 12, 2015, to Shaoxia Wu, of an Alteration Permit (construct new deck with staircase at rear of building; approximately 16'-0" X 8'-0"). APPLICATION NO. 2015/05/12/6026. FOR HEARING TODAY.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **July 10, 2015**

MEMBERS OF THE BOARD OF APPEALS

ANN LAZARUS	**PRESIDENT**
DARRYL HONDA	**VICE PRESIDENT**
FRANK FUNG	**COMMISSIONER**
RICK SWIG	**COMMISSIONER**
BOBBIE WILSON	**COMMISSIONER**

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed seven (7) minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other

parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

Those members of the public who intend to testify about a particular appeal and wish to have the Board give their testimony evidentiary weight for purposes of deciding the appeal are asked to take an oath. Please note that any member of the public may speak without being sworn-in pursuant to their rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code).

SPECIAL NOTES

If the Board continues a matter to a specific date that is announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 415-575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa.

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Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
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San Francisco, California 94103

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JULY 15, 2015

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Ann Lazarus, Vice President Darryl Honda, Commissioner Frank Fung and Commissioner Rick Swig.

ABSENT: Commissioner Bobbie Wilson.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Carla Short, Deputy Bureau Manager, Department of Public Works (DPW); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant.

(1) PUBLIC COMMENT

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PUBLIC COMMENT: Doug Loranger spoke in opposition to wireless site installations in the public right-of-way and provided the Board with information on the history of permitting such installations in San Francisco.

(2) COMMISSIONER COMMENTS & QUESTIONS

SPEAKERS: Vice President Honda expressed his condolences to the family of his friend, Kathryn Steinle, who was shot and killed on July 1, 2015. Commissioner Swig expressed an interest in receiving additional information on the Board's standard of review for wireless site permit appeals.

PUBLIC COMMENT: None.

(3) ADOPTION OF MINUTES

Discussion and possible adoption of the July 1, 2015 minutes.

ACTION: Upon motion by Commissioner Swig, the Board voted 4-0-1 (Commissioner Wilson absent) to adopt the July 1, 2015 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **REHEARING REQUEST**

Subject property at 18, 50, 66-76 & 81 Lansing Street, and 390 – 1st Street. Letter from Vadim Oss, co-appellant, requesting rehearing of Appeal No. 15-064, Oss & Ostanina vs. DPW BUF, decided June 10, 2015. At that time, the Board voted 4-0-1 (Commissioner Swig absent) to uphold the permit on the condition that the tree removals not occur until the planting permit is issued, and on the basis that the parties need more time to seek a resolution. **Permit Holder:** Build Group, Incorporated. **Project:** removal of twenty-seven (27) street trees on Lansing Street and 1st Street with replacement with approximately twenty-one (21) street trees; exact number of replacement trees depends on site constraints and planting guidelines established by Public Works; ORDER NO. 183463.

ACTION: Withdrawn prior to hearing.

ITEMS (5A) AND (5B) SHALL BE HEARD TOGETHER:

(5A) **APPEAL NO. 15-080**

LA URBANA RESTAURANT, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	661 Divisadero Street. Appealing the CONDITIONS imposed on May 13, 2015, on a Sidewalk Tables & Chairs Permit (total of 10 tables and 20 chairs on Grove Street; operating hours of outdoor seating to be 11am to 930pm daily). APPLICATION NO. 14TC-0567 ORDER NO. 183612. FOR HEARING TODAY.

(5A) **APPEAL NO. 15-084**

GROVE RESIDENTS' RIGHTS RESOURCE, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	661 Divisadero Street. Protesting the ISSUANCE on May 13, 2015, to La Urbana Restaurant, of a Sidewalk Tables & Chairs Permit (total of 10 tables and 20 chairs on Grove Street; operating hours of outdoor seating to be 11am to 930pm daily). APPLICATION NO. 14TC-0567. ORDER NO. 183612. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 1-3-1 (President Lazarus, Vice President Honda and Commissioner Swig dissented and Commissioner Wilson absent) to deny the permit on the basis that the restaurant's existing relationship with the neighborhood in terms of sound has not been good. Lacking the four votes needed to pass, the motion failed. Upon motion by Commissioner Swig, the Board voted 4-0-1 (Commissioner Wilson absent) to uphold the permit as conditioned by DPW with the following additional conditions: (1) the garage doors be closed no later than by 9:30 p.m.; and (2) the permit expire after six months; on the basis that there has been sound disturbance by the restaurant on the neighbors.

SPEAKERS: Michael Kupietz, agent for Grove Residents' Rights Resource; George Schevon, agent for La Urbana; Eduardo Rallo, agent for La Urbana; Rodrigo Lopez Piña, agent for La Urbana; Carla Short, DPW; Scott Sanchez, ZA .

PUBLIC COMMENT: Tina Rubio, Geoff Austin, Hosanna Rubio, Heidi Marshall Booth, Phillip Laurent, Greta Gahl and Fernando Moreno spoke against the issuance of the permit.

(6) **APPEAL NO. 15-073**

ROSEMARY KIM & MARGOT BEALL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	221 - 5th Avenue. Protesting the ISSUANCE on April 28, 2015, to Gregor & Annika Ehrlich, of an Alteration Permit (revision to BPA No. 2014/07/31/2691; construct changes to front stairs; reconfigure straight run of stairs to stairs with landing). APPLICATION NO. 2015/03/30/2302. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Wilson absent) to continue the appeal to September 2, 2015, to allow time for a corrected and consolidated plan set to be prepared by the permit holder, reviewed by the appellant and departments, and submitted to the Board.

SPEAKERS: Rosemary Kim, appellant; John Pollard, agent for permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(7) **APPEAL NO. 15-079**

PERRY BROWN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1950 - 22nd Avenue. Protesting the ISSUANCE on May 12, 2015, to Shaoxia Wu, of an Alteration Permit (construct new deck with staircase at rear of building; approximately 16'-0" X 8'-0"). APPLICATION NO. 2015/05/12/6026. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Wilson absent) to deny the appeal and uphold the permit on the basis that it is Code compliant.

SPEAKERS: Perry Brown, appellant; Lefan Chi, agent for permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Lazarus adjourned the meeting at 8:00 p.m.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JULY 22, 2015

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) COMMISSIONER COMMENTS & QUESTIONS

(3) ADOPTION OF MINUTES

Discussion and possible adoption of the July 15, 2015 minutes.

(4) REHEARING REQUEST

Revocation of Taxi permit S-129. Letter from Heidi Machen, attorney for Adnan Atallah, appellant, requesting rehearing of Appeal No. 15-067, Atallah vs. MTA, decided June 24, 2015. At that time, the Board voted 2-2-1 (Commissioner Fung and Vice President Honda dissented, Commissioner Swig absent) to uphold the revocation on the basis that the subject permit was improperly issued and appropriately rescinded; the motion failed, however, absent four votes to overturn or modify a departmental action as per City Charter Section 4.106, the revocation of this permit was upheld by default.

(5) **REHEARING REQUEST**

Subject property at 1050-1058 Valencia Street. Letter from Stephen Williams, attorney for Alicia Gamez, appellant, requesting rehearing of Appeal No. 13-098, Gamez vs. DBI, PDA, decided June 24, 2015. At that time, the Board voted 4-0-1 (Commissioner Swig absent) to adopt the revised findings as amended. Permit Holder: M. Rutherford Trust / Shizuo Holdings. Project: erect a five-story, 12-unit apartment/retail/parking building with 3000sf of ground floor area; BPA No. 2010/12/27/7437"S".

(6) **APPEAL NO. 15-083**

HOLLY SMITH HESSELGREN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2103 Pine Street. Protesting the ISSUANCE on May 21, 2015, to Chuck Tweedle, of an Alteration Permit (response to NOV No. 201402791; scope is to remove parapet and lower roof level of east bathroom on 2nd floor to accommodate neighbor's 3rd story window; relocate planter at front 6" from property line). APPLICATION NO. 2015/05/15/6514. FOR HEARING TODAY.

(7) **APPEAL NO. 15-087**

THOMAS NOURSE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	407A - 30th Street. Protesting the ISSUANCE on May 26, 2015, to Michael Kramer, Alex Schvartsman & Michael Lustbader, of an Alteration Permit (fully remodel two story house; at ground floor add two bedrooms, two bathrooms, and laundry room; remodel and reconfigure 2nd floor plan; add a cantilevered deck at front of building; comply with NOV No.201549281). APPLICATION NO. 2015/05/11/5997. FOR HEARING TODAY.

(8) **APPEAL NO. 15-088**

DARRAGH HOWARD, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	3332 Folsom Street. Protesting the ISSUANCE on May 28, 2015, to Sean Kennedy, of an Alteration Permit (expand rear bedroom and kitchen into rear yard; new roof deck over expanded kitchen; raise building 42 inches to accommodate required parking; infill at existing side yard at front of building; replace entry stair; new master bedroom, bathroom and closet). APPLICATION NO. 2013/11/01/0935S. FOR HEARING TODAY.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **July 17, 2015**

MEMBERS OF THE BOARD OF APPEALS

ANN LAZARUS	PRESIDENT
DARRYL HONDA	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
RICK SWIG	COMMISSIONER
BOBBIE WILSON	COMMISSIONER

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BOARD OF APPEALS
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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JULY 22, 2015

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Ann Lazarus, Vice President Darryl Honda, Commissioner Frank Fung and Commissioner Rick Swig.

ABSENT: Commissioner Bobbie Wilson.

Thomas Owen, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Jarvis Murray, Enforcement and Legal Affairs Manager, Municipal Transportation Agency Division of Taxis and Accessible Services (MTA); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant; Alec Longaway, Legal Process Clerk.

22/15

(1) **PUBLIC COMMENT**

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PUBLIC COMMENT: None.

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(2) **COMMISSIONER COMMENTS & QUESTIONS**

SPEAKERS: None.

(3) **ADOPTION OF MINUTES**

Discussion and possible adoption of the July 15, 2015 minutes.

ACTION: Upon motion by Vice President Honda, the Board voted 4-0-1 (Commissioner Wilson absent) to adopt the July 15, 2015 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **REHEARING REQUEST**

Revocation of Taxi permit S-129. Letter from Heidi Machen, attorney for Adnan Atallah, appellant, requesting rehearing of Appeal No. 15-067, Atallah vs. MTA, decided June 24, 2015. At that time, the Board voted 2-2-1 (Commissioner Fung and Vice President Honda dissented, Commissioner Swig absent) to uphold the revocation on the basis that the subject permit was improperly issued and appropriately rescinded; the motion failed, however, absent four votes to overturn or modify a departmental action as per City Charter Section 4.106, the revocation of this permit was upheld by default.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Wilson absent) to deny the request.

SPEAKERS: Heidi Machen, attorney for requestor; Jarvis Murray, MTA.

PUBLIC COMMENT: None.

(5) **REHEARING REQUEST**

Subject property at 1050-1058 Valencia Street. Letter from Stephen Williams, attorney for Alicia Gamez, appellant, requesting rehearing of Appeal No. 13-098, Gamez vs. DBI, PDA, decided June 24, 2015. At that time, the Board voted 4-0-1 (Commissioner Swig absent) to adopt the revised findings as amended. Permit Holder: M. Rutherford Trust / Shizuo Holdings. Project: erect a five-story, 12-unit apartment/retail/parking building with 3000sf of ground floor area; BPA No. 2010/12/27/7437"S".

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Wilson absent) to deny the request.

SPEAKERS: Stephen Williams, attorney for requestor; Mark Rutherford, permit holder.

PUBLIC COMMENT: None.

(6) **APPEAL NO. 15-083**

HOLLY SMITH HESSELGREN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2103 Pine Street. Protesting the ISSUANCE on May 21, 2015, to Chuck Tweedle, of an Alteration Permit (response to NOV No. 201402791; scope is to remove parapet and lower roof level of east bathroom on 2nd floor to accommodate neighbor's 3rd story window; relocate planter at front 6" from property line). APPLICATION NO. 2015/05/15/6514. FOR HEARING TODAY.

ACTION: Upon motion by President Lazarus, the Board voted 4-0-1 (Commissioner Wilson absent) to deny the appeal and uphold the permit on the basis that it was properly issued.

SPEAKERS: Robert Capron, attorney for appellant; Jim Valenti, agent for appellant; Joseph Ehrlich, attorney for permit holder; Chuck Tweedle, permit holder; Carol Tweedle, permit holder; Joseph Duffy, DBI.

PUBLIC COMMENT: Eric Berkowitz spoke in support of the permit holders.

(7) **APPEAL NO. 15-087**

THOMAS NOURSE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	407A - 30th Street. Protesting the ISSUANCE on May 26, 2015, to Michael Kramer, Alex Schvartsman & Michael Lustbader, of an Alteration Permit (fully remodel two story house; at ground floor add two bedrooms, two bathrooms, and laundry room; remodel and reconfigure 2nd floor plan; add a cantilevered deck at front of building; comply with NOV No.201549281). APPLICATION NO. 2015/05/11/5997. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Honda, the Board voted 4-0-1 (Commissioner Wilson absent) to deny the appeal and uphold the permit on the basis that it was properly issued.

SPEAKERS: Thomas Nourse, appellant; Alex Schvartsman, permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: Margaret Baran spoke in support of the appellant. Sylvia Johnson also spoke.

(8) **APPEAL NO. 15-088**

DARRAGH HOWARD, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	3332 Folsom Street. Protesting the ISSUANCE on May 28, 2015, to Sean Kennedy, of an Alteration Permit (expand rear bedroom and kitchen into rear yard; new roof deck over expanded kitchen; raise building 42 inches to accommodate required parking; infill at existing side yard at front of building; replace entry stair; new master bedroom, bathroom and closet). APPLICATION NO. 2013/11/01/0935S. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Wilson absent) to deny the appeal and uphold the permit on the basis that it is Code compliant.

SPEAKERS: Darragh Howard, appellant; Joram Altman, agent for permit holder; Sean Kennedy, permit holder; Jane Kennedy, permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: Valerie Syme spoke in support of the permit holders. Sylvia Johnson also spoke.

ADJOURNMENT.

There being no further business, President Lazarus adjourned the meeting at 7:10 p.m.

City and County of San Francisco

Edwin M. Lee
Mayor

Board of Appeals

Cynthia G. Goldstein
Executive Director

PUBLIC NOTICE

The Board of Appeals has **NOT SCHEDULED** a meeting for July 29, 2015. The next regular meeting is scheduled for **WEDNESDAY, AUGUST 05, 2015**, City Hall, Room 416, 5:00 pm, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

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7/29/15
cancelled

Sincerely,

BOARD STAFF

Date Posted: **July 24, 2015**

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Board of Appeals
www.sfgov.org/boa

1650 Mission Street, Suite 304
San Francisco, CA 94103

Phone: 415-575-6880
Fax: 415-575-6885

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, AUGUST 05, 2015

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) COMMISSIONER COMMENTS & QUESTIONS

(3) ADOPTION OF MINUTES

Discussion and possible adoption of the July 22, 2015 minutes.

(4) APPEAL NO. 15-068

CLEMENT & ANGEL OGDEN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	238 Presidio Avenue. Protesting the ISSUANCE on April 21, 2015, to John & Janet Kunze, of an Alteration Permit (remodel existing single-family residence; reconfigure interior walls at all levels; add 4th floor; one and two-story rear yard addition; no work to front facade). APPLICATION NO. 2014/04/24/4103S. FOR HEARING TODAY.

(5) **REHEARING REQUESTS**

Subject property at 57 Eureka Street. Letter from Jordan Hubbard & Angela Cross, appellants, requesting rehearing of Appeal Nos. 15-071/072, Hubbard & Cross vs. DBI, decided July 01, 2015. At that time, the Board voted 3-2 (Vice President Honda & Commissioner Wilson dissented) to uphold both permits on the basis that they are Code compliant. Permit Holder: Charles Lebedeff. **Plumbing Permit**: remove gas stove and cap gas pipes; update and repair plumbing to Code; Application No. PP2015/04/24/007. **Electrical Permit**: for correction and project as per violation No. 201415721; 20 ckts; reference BPA No. 2015/03/02/9720; Application No. E2015/04/27/8116.

(6) **JURISDICTION REQUEST**

Subject property at 2691 – 20th Avenue. Letter from Robert Noelke, requestor, asking that the Board take jurisdiction over BPA No. 2015/05/05/5447, which was issued on May 14, 2015. The appeal period ended on May 29, 2015, and the jurisdiction request was filed at the Board office on July 14, 2015. Permit Holder: Sarah Connors Trustee. Project: to comply with NOV No. 201522541; replace kitchen sink with bar sink; remove gas range; remove portion of gas line leading to range; install approved smoke alarms and carbon monoxide detector; fix wall cabinets in place with required hardware.

ITEMS (7A) AND (7B) SHALL BE HEARD TOGETHER:

(7A) **APPEAL NO. 15-092**

NEIGHBORS FOR PRESERVATION AND PROGRESS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	1050 Valencia Street. Protesting the ISSUANCE on June 16, 2015, to Shizuo Holdings Trust, of a VAULT PERMIT (a single transformer to be located in a right-of-way along Hill Street sidewalk; vault cover shall be concrete and skid resistant material). APPLICATION NO. 13V-0026. FOR HEARING TODAY.

(7B) **APPEAL NO. 15-093**

NEIGHBORS FOR PRESERVATION AND PROGRESS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	1050 Valencia Street. Protesting the ISSUANCE on June 16, 2015, to Michael O'Shaughnessy Construction Inc., of a GENERAL EXCAVATION PERMIT (trenching for electric lines). APPLICATION NO. 15E-0378. FOR HEARING TODAY.

(8) **APPEAL NO. 15-090**

YONG HUA XU, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	442 Munich Street. Protesting the ISSUANCE on June 03, 2015, to Aluy Wu, of an Alteration Permit (remove undocumented kitchens at basement level and at 1st floor level, as per drawings; terminate both plumbing and electrical; separate plumbing and electrical permits are required). APPLICATION NO. 2015/03/09/0281. FOR HEARING TODAY.

(9) **APPEAL NO. 15-094**

TODD DAVIS, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	721 Beach Street. Protesting the ISSUANCE on June 18, 2015, to BJ Real Estate, of a Request for Release of Suspension (asking that the Dept. of Building Inspection release the suspensions against BPA Nos. 2010/11/29/5645 & 2014/05/01/4707 because the Planning Department has concluded that the elevator penthouse was not removed by the Planning Commission and is being constructed in substantial conformity with the approved plans). FOR HEARING TODAY.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **July 31, 2015**

MEMBERS OF THE BOARD OF APPEALS

ANN LAZARUS	PRESIDENT
DARRYL HONDA	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
RICK SWIG	COMMISSIONER
BOBBIE WILSON	COMMISSIONER

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed seven (7) minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

Those members of the public who intend to testify about a particular appeal and wish to have the Board give their testimony evidentiary weight for purposes of deciding the appeal are asked to take an oath. Please note that any member of the public may speak without being sworn-in pursuant to their rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code).

SPECIAL NOTES

If the Board continues a matter to a specific date that is announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 415-575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa.

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:30 p.m. one (1) Thursday prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete

distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies. Please note that names and addresses included in these submittals will become part of the public record. Submittals may be made anonymously.
Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

American sign language interpreters, translation services and/or sound enhancement will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing.

Intérpretes de lenguaje de señas americano, servicio de traducción y/o mejoramiento del sonido estará disponible a petición contactando con personal de la Junta al 415-575-6880 por lo menos 48 horas antes de la audiencia.

美国手语翻译, 翻译服务和/或声音增强将可在聆讯前48小时通过联系575-6880局人员要求.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Board's web site, www.sfgov.org/boa.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGOVTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, AUGUST 5, 2015

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Ann Lazarus, Vice President Darryl Honda, Commissioner Frank Fung, Commissioner Rick Swig and Commissioner Bobbie Wilson.

Thomas Owen, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Cynthia Goldstein, Executive Director; Xiomara Mejia, Legal Process Clerk.

(1) PUBLIC COMMENT

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

PUBLIC COMMENT: None.

(2) COMMISSIONER COMMENTS & QUESTIONS

SPEAKERS: Vice President Honda thanked former Board of Appeals staff member Victor Pacheco for his many years of service to the Board and wished him well in his new endeavors.

PUBLIC COMMENT: None.

(3) ADOPTION OF MINUTES

Discussion and possible adoption of the July 22, 2015 minutes.

ACTION: Upon motion by Vice President Honda, the Board voted 5-0 to adopt the July 22, 2015 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

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(4) **APPEAL NO. 15-068**

CLEMENT & ANGEL OGDEN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	238 Presidio Avenue. Protesting the ISSUANCE on April 21, 2015, to John & Janet Kunze, of an Alteration Permit (remodel existing single-family residence; reconfigure interior walls at all levels; add 4th floor; one and two-story rear yard addition; no work to front facade). APPLICATION NO. 2014/04/24/4103S. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (President Lazarus recused) to deny the appeal and uphold the permit on the basis that it is Code compliant.

SPEAKERS: Lani Wai, agent for appellants; Angel Ogden, appellant; Craig Nikitas, agent for permit holders; David Silverman, attorney for permit holders; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: Gian Marco Martinelli spoke in support of the appellants.

(5) **REHEARING REQUESTS**

Subject property at 57 Eureka Street. Letter from Jordan Hubbard & Angela Cross, appellants, requesting rehearing of Appeal Nos. 15-071/072, Hubbard & Cross vs. DBI, decided July 01, 2015. At that time, the Board voted 3-2 (Vice President Honda & Commissioner Wilson dissented) to uphold both permits on the basis that they are Code compliant. Permit Holder: Charles Lebedeff. **Plumbing Permit**: remove gas stove and cap gas pipes; update and repair plumbing to Code; Application No. PP2015/04/24/007. **Electrical Permit**: for correction and project as per violation No. 201415721; 20 ckts; reference BPA No. 2015/03/02/9720; Application No. E2015/04/27/8116.

ACTION: Upon motion by President Lazarus, the Board voted 5-0 to deny the requests.

SPEAKERS: Jordan Hubbard, requestor; Angela Cross, requestor; Charles Lebedef, permit holder; Joseph Duffy, DBI.

PUBLIC COMMENT: Jeremy Pollock spoke on behalf of Supervisor John Avalos in support of the appellants.

(6) **JURISDICTION REQUEST**

Subject property at 2691 – 20th Avenue. Letter from Robert Noelke, requestor, asking that the Board take jurisdiction over BPA No. 2015/05/05/5447, which was issued on May 14, 2015. The appeal period ended on May 29, 2015, and the jurisdiction request was filed at the Board office on July 14, 2015. Permit Holder: Sarah Connors Trustee. Project: to comply with NOV No. 201522541; replace kitchen sink with bar sink; remove gas range; remove portion of gas line leading to range; install approved smoke alarms and carbon monoxide detector; fix wall cabinets in place with required hardware.

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to deny the request.

SPEAKERS: Robert Noelke, requestor; Jimmy Zarur, agent for requestor; Taffi Vasquez, agent for requestor; Jerod Hendrickson, attorney for permit holder; Scott Sanchez, ZA: Joseph Duffy, DBI.

PUBLIC COMMENT: None.

ITEMS (7A) AND (7B) SHALL BE HEARD TOGETHER:

(7A) **APPEAL NO. 15-092**

NEIGHBORS FOR PRESERVATION AND PROGRESS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	1050 Valencia Street. Protesting the ISSUANCE on June 16, 2015, to Shizuo Holdings Trust, of a VAULT PERMIT (a single transformer to be located in a right-of-way along Hill Street sidewalk; vault cover shall be concrete and skid resistant material). APPLICATION NO. 13V-0026. FOR HEARING TODAY.

(7B) **APPEAL NO. 15-093**

NEIGHBORS FOR PRESERVATION AND PROGRESS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	1050 Valencia Street. Protesting the ISSUANCE on June 16, 2015, to Michael O'Shaughnessy Construction Inc., of a GENERAL EXCAVATION PERMIT (trenching for electric lines). APPLICATION NO. 15E-0378. FOR HEARING TODAY.

ACTION: These matters were withdrawn prior to hearing.

(8) **APPEAL NO. 15-090**

YONG HUA XU, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	442 Munich Street. Protesting the ISSUANCE on June 03, 2015, to Aluy Wu, of an Alteration Permit (remove undocumented kitchens at basement level and at 1st floor level, as per drawings; terminate both plumbing and electrical; separate plumbing and electrical permits are required). APPLICATION NO. 2015/03/09/0281. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Swig, the Board voted 4-1 (Commissioner Wilson dissented) to deny the appeal and uphold the permit on the basis that it was properly issued.

SPEAKERS: Farha Rizvi, agent for appellant; Jaimie Bombard, attorney for permit holder; Joseph Duffy, DBI; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

(9) **APPEAL NO. 15-094**

TODD DAVIS, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	721 Beach Street. Protesting the ISSUANCE on June 18, 2015, to BJ Real Estate, of a Request for Release of Suspension (asking that the Dept. of Building Inspection release the suspensions against BPA Nos. 2010/11/29/5645 & 2014/05/01/4707 because the Planning Department has concluded that the elevator penthouse was not removed by the Planning Commission and is being constructed in substantial conformity with the approved plans). FOR HEARING TODAY.

ACTION: Upon motion by President Lazarus, the Board voted 5-0 to grant the appeal and overturn the Request for Release of Suspension on the basis that the Zoning Administrator erred because the building is not being constructed in substantial conformity with the approved plans.

SPEAKERS: Niall Vignoles, attorney for appellant; John Kevlin, attorney for permit holder; Jeff Sears, agent for permit holder; Steve Geiszler, agent for permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: Tanya Yurovsky, Greg Holzman, Austin Shoemaker, Catherine Filgas, Neetu Auluwalia, Bernardo Silva and Shoaib Tareen spoke in support of the appellant. Danny Ho urged both sides to reach a compromise.

ADJOURNMENT.

There being no further business, President Lazarus adjourned the meeting at 8:50 p.m.

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, AUGUST 12, 2015

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) COMMISSIONER COMMENTS & QUESTIONS

(3) ADOPTION OF MINUTES

Discussion and possible adoption of the August 5, 2015 minutes.

(4) REHEARING REQUEST

Subject property at 2215 Leavenworth Street. Letter from Randall & Anne Brubaker, appellants, requesting rehearing of Appeal No. 15-074, Brubaker vs. DPW BSM, decided July 01, 2015. At that time, the Board voted 5-0 to uphold the permit on the basis that it is Code compliant. Permit Holder: Extenet Systems Inc. Project: construction of a personal wireless service facility; Permit No. 14WR-0108.

(5) APPEAL NO. 15-096

SERA PASSALAQUA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	150 Rice Street. Protesting the ISSUANCE on June 15, 2015, to John Navarro, of an Alteration Permit (remove downstairs kitchen sink and plumbing to wall; remove downstairs stove and gas line to wall; at ground floor). APPLICATION NO. 2015/06/15/8992. FOR HEARING TODAY.

ITEMS (6A) & (6B) SHALL BE HEARD TOGETHER:

(6A) **APPEAL NO. 15-098**

JOHN NULTY, Appellant(s) vs. PLANNING COMMISSION, Respondent	101 Hyde Street. Protesting the ISSUANCE on June 11, 2015, to Costa Brown Architecture Incorporated, of an ADOPTION OF FINDINGS (authorizing a determination of compliance pursuant to Planning Code Section 309; proposed project is to construct an eight-story, 85-unit building with approximately 4,923 gross square feet of ground floor retail, and demolition of a one-story structure which is currently leased to the United States Postal Service). MOTION NO. 19389. FOR HEARING TODAY.

(6B) **APPEAL NO. 15-099**

NICK PASQUARIELLO, Appellant(s) vs. PLANNING COMMISSION, Respondent	101 Hyde Street. Protesting the ISSUANCE on June 11, 2015, to Costa Brown Architecture Incorporated, of an ADOPTION OF FINDINGS (authorizing a determination of compliance pursuant to Planning Code Section 309; proposed project is to construct an eight-story, 85-unit building with approximately 4,923 gross square feet of ground floor retail, and demolition of a one-story structure which is currently leased to the United States Postal Service). MOTION NO. 19389. FOR HEARING TODAY.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **August 7, 2015**

MEMBERS OF THE BOARD OF APPEALS

ANN LAZARUS	PRESIDENT
DARRYL HONDA	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
RICK SWIG	COMMISSIONER
BOBBIE WILSON	COMMISSIONER

PROCEDURE AT HEARINGS

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SPECIAL NOTES

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distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies. Please note that names and addresses included in these submittals will become part of the public record. Submittals may be made anonymously.
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美国手语翻译, 翻译服务和/或声音增强将可在聆讯前48小时通过联系575-6880局人员要求.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine.

LOBBYING ACTIVITY

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SUGGESTIONS TO IMPROVE EFFICIENCY

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, AUGUST 12, 2015

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Ann Lazarus, Vice President Darryl Honda, Commissioner Frank Fung, Commissioner Rick Swig and Commissioner Bobbie Wilson.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Carla Short, Deputy Bureau Manager, Department of Public Works Bureau of Street Use and Mapping (DPW); Cynthia Goldstein, Executive Director; Alec Longaway, Legal Process Clerk.

(1) PUBLIC COMMENT

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

PUBLIC COMMENT: None.

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(2) COMMISSIONER COMMENTS & QUESTIONS

SPEAKERS: None.

(3) ADOPTION OF MINUTES

Discussion and possible adoption of the August 5, 2015 minutes.

ACTION: Upon motion by Vice President Honda, the Board voted 5-0 to adopt the August 5, 2015 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **REHEARING REQUEST**

Subject property at 2215 Leavenworth Street. Letter from Randall & Anne Brubaker, appellants, requesting rehearing of Appeal No. 15-074, Brubaker vs. DPW BSM, decided July 01, 2015. At that time, the Board voted 5-0 to uphold the permit on the basis that it is Code compliant. Permit Holder: Extenet Systems Inc. Project: construction of a personal wireless service facility; Permit No. 14WR-0108.

ACTION: Upon motion by President Lazarus, the Board voted 3-2 (Commissioner Fung and Commissioner Swig dissented) to deny the request.

SPEAKERS: Randall Brubaker, requestor; Ann Brubaker, requestor; Jim Heard, agent for permit holder; Carla Short, DPW; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 15-096**

SERA PASSALAQUA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	150 Rice Street. Protesting the ISSUANCE on June 15, 2015, to John Navarro, of an Alteration Permit (remove downstairs kitchen sink and plumbing to wall; remove downstairs stove and gas line to wall; at ground floor). APPLICATION NO. 2015/06/15/8992. FOR HEARING TODAY.

ACTION: Upon motion by President Lazarus, the Board voted 5-0 to continue the appeal to the Call of the Chair to allow time for the permit holder to cancel the permit because the permit wasn't properly reviewed by the Planning Department.

SPEAKERS: Sera Passalaqua, appellant; John Navarro, permit holder; Joseph Duffy, DBI; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

ITEMS (6A) & (6B) SHALL BE HEARD TOGETHER:

(6A) **APPEAL NO. 15-098**

JOHN NULTY, Appellant(s) vs. PLANNING COMMISSION, Respondent	101 Hyde Street. Protesting the ISSUANCE on June 11, 2015, to Costa Brown Architecture Incorporated, of an ADOPTION OF FINDINGS (authorizing a determination of compliance pursuant to Planning Code Section 309; proposed project is to construct an eight-story, 85-unit building with approximately 4,923 gross square feet of ground floor retail, and demolition of a one-story structure which is currently leased to the United States Postal Service). MOTION NO. 19389. FOR HEARING TODAY.

(6B) **APPEAL NO. 15-099**

NICK PASQUARIELLO, Appellant(s) vs. PLANNING COMMISSION, Respondent	101 Hyde Street. Protesting the ISSUANCE on June 11, 2015, to Costa Brown Architecture Incorporated, of an ADOPTION OF FINDINGS (authorizing a determination of compliance pursuant to Planning Code Section 309; proposed project is to construct an eight-story, 85-unit building with approximately 4,923 gross square feet of ground floor retail, and demolition of a one-story structure which is currently leased to the United States Postal Service). MOTION NO. 19389. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Honda, the Board voted 5-0 to deny the appeals and uphold the Motion on the basis that the Planning Commission did not err or abuse it's discretion in adopting the Motion, including its adoption of the environmental findings referenced in the Motion.

SPEAKERS: John Nulty, appellant; Howard Slavitt, attorney for motion holder; Scott Sanchez, ZA.

PUBLIC COMMENT: Brian Brackney, Benny Wong, Vi Huynh, Susan Bryan, Joseph Thomas, Irwin Nutt and Otto Duffy spoke in support of the appellants.

ADJOURNMENT.

There being no further business, President Lazarus adjourned the meeting at 7:20 p.m.

City and County of San Francisco

Edwin M. Lee
Mayor

Board of Appeals

Cynthia G. Goldstein
Executive Director

PUBLIC NOTICE

SF
ABO
#2
8/19/15
cancelled

The Board of Appeals has **NOT SCHEDULED** a meeting for August 19, 2015. The next regular meeting is scheduled for **Wednesday, August 26, 2015, in City Hall, Room 416, 5:00 p.m.,** One Dr. Carlton B. Goodlett Place.

Please call 415-575-6880 if there are any questions concerning this or any other appeal-related matter.

Date Posted: **August 14, 2015**

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, AUGUST 26, 2015

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) COMMISSIONER COMMENTS & QUESTIONS

(3) ADOPTION OF MINUTES

Discussion and possible adoption of the August 12, 2015 minutes.

(4) JURISDICTION REQUEST

Subject property at 665 San Jose Avenue. Letter from Tyrone Whitehorn, requestor, asking that the Board take jurisdiction over BPA No. 2015/05/21/6937, which was issued on May 22, 2015. The appeal period ended on June 08, 2015, and the jurisdiction request was filed at the Board office on August 10, 2015. Permit Holder: Joseph K. Bravo. Project: remove (2) illegal residential living spaces at unit 665 1st floor commercial store front at ground and remove stove from unit 663 1st floor and basement level; 1st floor street level unit 665 to be returned to commercial space per future Planning Conditional Use Application.

(5) APPEAL NO. 15-101

GENEROSO JARUMAY & ROBERT E. GONZALES, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	333 Pennsylvania Avenue. Protesting the ISSUANCE on June 18, 2015, to Ed Maiello, of a Permit to Erect a Building (construct a five story, two-unit residential building with 1,400sf of ground floor area). APPLICATION NO. 2013/06/12/9341S. FOR HEARING TODAY.

(6) **APPEAL NO. 15-104**

JON SHEPERD, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	551 Dewey Blvd. Protesting the ISSUANCE on July 14, 2015, to Donna Joanise, of an Alteration Permit (remove existing illegal kitchen in basement area; legalize the bathroom). APPLICATION NO. 2015/06/19/9476. FOR HEARING TODAY.

(7) **APPEAL NO. 15-102**

HAYES VALLEY NEIGHBORHOOD ASSOCIATION, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	371 Hayes Street. Protesting the ISSUANCE on July 08, 2015, to Kit and Ace, of a REQUEST TO RESCIND REVOCATION (asking that the Dept. of Building Inspection rescind revocation of BPA Nos. 2015/01/29/6996, 2015/02/17/8535, 2015/02/27/9584 & 2015/02/27/9580 for the reason that after further investigation the Planning Department now believes these permits were properly issued under the Planning Code). FOR HEARING TODAY.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8am to 5pm, 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **August 21, 2015**

MEMBERS OF THE BOARD OF APPEALS

ANN LAZARUS	PRESIDENT
DARRYL HONDA	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
RICK SWIG	COMMISSIONER
BOBBIE WILSON	COMMISSIONER

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed seven (7) minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

Those members of the public who intend to testify about a particular appeal and wish to have the Board give their testimony evidentiary weight for purposes of deciding the appeal are asked to take an oath. Please note that any member of the public may speak without being sworn-in pursuant to their rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code).

SPECIAL NOTES

If the Board continues a matter to a specific date that is announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 415-575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa.

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:30 p.m. one (1) Thursday prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete

distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies. Please note that names and addresses included in these submittals will become part of the public record. Submittals may be made anonymously.
Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, AUGUST 26, 2015

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Ann Lazarus, Vice President Darryl Honda, Commissioner Frank Fung and Commissioner Bobbie Wilson.

ABSENT: Commissioner Rick Swig.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Cynthia Goldstein, Executive Director; Xiomara Mejia, Legal Process Clerk.

6/15

(1) **PUBLIC COMMENT**

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PUBLIC COMMENT: None.

(2) **COMMISSIONER COMMENTS & QUESTIONS**

SPEAKERS: Vice President Honda wished Commissioner Swig a happy birthday.

PUBLIC COMMENT: None.

(3) **ADOPTION OF MINUTES**

Discussion and possible adoption of the August 12, 2015 minutes.

ACTION: Upon motion by Vice President Honda, the Board voted 4-0-1 (Commissioner Swig absent) to adopt the August 12, 2015 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **JURISDICTION REQUEST**

Subject property at 665 San Jose Avenue. Letter from Tyrone Whitehorn, requestor, asking that the Board take jurisdiction over BPA No. 2015/05/21/6937, which was issued on May 22, 2015. The appeal period ended on June 08, 2015, and the jurisdiction request was filed at the Board office on August 10, 2015. Permit Holder: Joseph K. Bravo. Project: remove (2) illegal residential living spaces at unit 665 1st floor commercial store front at ground and remove stove from unit 663 1st floor and basement level; 1st floor street level unit 665 to be returned to commercial space per future Planning Conditional Use Application.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Swig absent) to continue the request to October 14, 2015 to allow time for the Department of Building Inspection and Planning Department to investigate the status of the permit and for the permit holder to provide more information to the Board on his intentions.

SPEAKERS: Tyrone Whitehorn, requestor; Scott Sanchez, ZA; Joseph Duffy, DBI. The permit holder did not appear.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 15-101**

GENEROSO JARUMAY & ROBERT E. GONZALES, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	333 Pennsylvania Avenue. Protesting the ISSUANCE on June 18, 2015, to Ed Maiello, of a Permit to Erect a Building (construct a five story, two-unit residential building with 1,400sf of ground floor area). APPLICATION NO. 2013/06/12/9341S. FOR HEARING TODAY.

ACTION: Upon motion by President Lazarus, the Board voted 3-1-1 (Commissioner Wilson dissented and Commissioner Swig absent) to deny the appeal and uphold the permit on the basis that it was properly issued and is Code compliant.

SPEAKERS: Robert Gonzales, appellant; Thomas Tunny, attorney for permit holder; Jeff Burris, agent for permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: Shawn Gorman and Stacie Morris spoke in support of the appellants.

(6) **APPEAL NO. 15-104**

JON SHEPERD, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	551 Dewey Blvd. Protesting the ISSUANCE on July 14, 2015, to Donna Joanise, of an Alteration Permit (remove existing illegal kitchen in basement area; legalize the bathroom). APPLICATION NO. 2015/06/19/9476. FOR HEARING TODAY.

ACTION: This matter was withdrawn prior to hearing.

(7) **APPEAL NO. 15-102**

HAYES VALLEY NEIGHBORHOOD ASSOCIATION, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	371 Hayes Street. Protesting the ISSUANCE on July 08, 2015, to Kit and Ace, of a REQUEST TO RESCIND REVOCATION (asking that the Dept. of Building Inspection rescind revocation of BPA Nos. 2015/01/29/6996, 2015/02/17/8535, 2015/02/27/9584 & 2015/02/27/9580 for the reason that after further investigation the Planning Department now believes these permits were properly issued under the Planning Code). FOR HEARING TODAY.

ACTION: Upon motion by President Lazarus, the Board voted 3-1-1 (Vice President Honda dissented and Commissioner Swig absent) to deny the appeal and uphold the Request to Rescind the Revocation on the basis the Zoning Administrator did not err or abuse his discretion.

SPEAKERS: Lawrence Cronander, agent for appellant; Gail Baugh, agent for appellant; Darryl Kopke, agent for permit holder; Caroline Guibert Chase, attorney for permit holder; Scott Sanchez, ZA.

PUBLIC COMMENT: Dinah Sanders, Cindy Spade, Stephen King, Christoph Frehsee, Tracy Brown, Lorn Dittfeld, Corina Nurimea, Jim Warshell, Pamela Cummings, Nicole Bald, Madeline Behrens-Brigham, Bob Anderson and Teresa Rice spoke in support of the appellant. Perry Flash Fong and Ann Grigoire spoke in support of the permit holder.

ADJOURNMENT.

There being no further business, President Lazarus adjourned the meeting at 7:20 p.m.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, SEPTEMBER 02, 2015

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) COMMISSIONER COMMENTS & QUESTIONS

(3) ADOPTION OF MINUTES

Discussion and possible adoption of the August 26, 2015 minutes.

(4) REHEARING REQUEST

Subject property at 2151 Jones Street. Letter from Jason Fessel & Sarah Mars, appellants, requesting rehearing of Appeal No. 15-077, Fessel & Mars vs. DPW BSM, decided July 01, 2015. At that time, the Board voted 5-0 to uphold the permit on the basis it is Code compliant. Permit Holder: Extenet Systems Inc. Project: construction of a personal wireless service facility; Permit No. 14WR-0023.

(5) APPEAL NO. 15-095

BROUGHAM MORRIS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2355 Scott Street. Protesting the ISSUANCE on June 16, 2015, to 2355 Scott Street LLC, of an Alteration Permit (interior modifications to existing 12 units; addition of subterranean parking garage; conversion of garage area to residential usage; 4'-6" horizontal addition at front building elevation; 3' high roof monitor addition along front building elevation. APPLICATION NO. 2012/06/22/3267. FOR HEARING TODAY.

(6) **APPEAL NO. 15-085**

CURTIS SPECK & ARIANE EROY, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	Masonic Avenue between Geary Blvd. and Fell Street. Protesting the ISSUANCE on May 19, 2015, to the Department of Public Works, of a Tree Removal Permit (approval of request to remove forty-four (44) street trees with replacement of one-hundred eighty-five (185) street trees). ORDER NO. 183617. FOR HEARING TODAY.

(7) **APPEAL NO. 15-070**

WILLIAM GORDON KAUPP & BETH FEINBERG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	287 Cresta Vista Avenue. Protesting the ISSUANCE on April 30, 2015, to Jianseng Chen, of an Alteration Permit (temporary shoring). APPLICATION NO. 2014/07/10/0951. FOR HEARING TODAY.

(8) **APPEAL NO. 15-086**

MICHAEL GORMAN & DEBORAH MINTZ, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	309 Magellan Avenue. Protesting the ISSUANCE on May 14, 2015, to Max & Suzanne Mead, of an Alteration Permit (4 posts in rear yard for decorative temporary lighting attached to existing rear deck and fence). APPLICATION NO. 2015/05/13/6162. FOR HEARING TODAY.

ITEMS (9A) AND (9B) SHALL BE HEARD TOGETHER:

(9A) **APPEAL NO. 15-106**

JOHN NULTY, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	101 Hyde Street. Protesting the ISSUANCE on July 30, 2015, to Costa Brown Architecture Inc., of Exposure and Permitted Obstructions Variances (construct a residential building, eight stories and approx.. 80 feet in height, containing 85 dwelling units, 4,923 square feet of ground floor retail space, and 15 off-street parking spaces). CASE NO. 2012.0086EVX FOR HEARING TODAY.

(9B) **APPEAL NO. 15-107**

OTTO DUFFY, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	101 Hyde Street. Protesting the ISSUANCE on July 30, 2015, to Costa Brown Architecture Inc., of Exposure and Permitted Obstructions Variances (construct a residential building, eight stories and approx.. 80 feet in height, containing 85 dwelling units, 4,923 square feet of ground floor retail space, and 15 off-street parking spaces). CASE NO. 2012.0086EVX FOR HEARING TODAY.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8:00 a.m. to 5:00 p.m., 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8:00 a.m. to 5:00 p.m., 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **August 28, 2015**

MEMBERS OF THE BOARD OF APPEALS

ANN LAZARUS	PRESIDENT
DARRYL HONDA	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
RICK SWIG	COMMISSIONER
BOBBIE WILSON	COMMISSIONER

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed seven (7) minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven (7) minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three (3) minutes to present testimony and evidence, with no rebuttal.

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SPECIAL NOTES

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, SEPTEMBER 2, 2015

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Ann Lazarus, Vice President Darryl Honda, Commissioner Frank Fung and Commissioner Bobbie Wilson.

ABSENT: Commissioner Rick Swig.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Carla Short, Deputy Bureau Manager, Department of Public Works Bureau of Street Use and Mapping (DPW); Cynthia Goldstein, Executive Director; Alec Longaway, Legal Process Clerk.

(1) **PUBLIC COMMENT**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

PUBLIC COMMENT: None.

(2) **COMMISSIONER COMMENTS & QUESTIONS**

SPEAKERS: President Lazarus announced that she will be absent from the September 16, 2015 meeting.

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PUBLIC COMMENT: None.

(3) **ADOPTION OF MINUTES**

Discussion and possible adoption of the August 26, 2015 minutes.

ACTION: Upon motion by Vice President Honda, the Board voted 4-0-1 (Commissioner Swig absent) to adopt the August 26, 2015 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **REHEARING REQUEST**

Subject property at 2151 Jones Street. Letter from Jason Fessel & Sarah Mars, appellants, requesting rehearing of Appeal No. 15-077, Fessel & Mars vs. DPW BSM, decided July 01, 2015. At that time, the Board voted 5-0 to uphold the permit on the basis it is Code compliant. Permit Holder: Extenet Systems Inc. Project: construction of a personal wireless service facility; Permit No. 14WR-0023.

ACTION: Upon motion by Vice President Honda, the Board voted 4-0-1 (Commissioner Swig absent) to deny the request.

SPEAKERS: Doug Oranger, agent for requestors; Paul Albritton, attorney for permit holder; Carla Short, DPW.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 15-095**

BROUGHAM MORRIS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2355 Scott Street. Protesting the ISSUANCE on June 16, 2015, to 2355 Scott Street LLC, of an Alteration Permit (interior modifications to existing 12 units; addition of subterranean parking garage; conversion of garage area to residential usage; 4'-6" horizontal addition at front building elevation; 3' high roof monitor addition along front building elevation. APPLICATION NO. 2012/06/22/3267. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Swig absent) to grant the appeal and condition the permit on the revised plans dated September 1, 2015, on the basis that the scope of work has been reduced and the appellant's concerns have been addressed.

SPEAKERS: Jim Roth, agent for permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI. The appellant did not appear.

PUBLIC COMMENT: Francis Kerr raised concerns about construction noise.

(6) **APPEAL NO. 15-085**

CURTIS SPECK & ARIANE EROY, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	Masonic Avenue between Geary Blvd. and Fell Street. Protesting the ISSUANCE on May 19, 2015, to the Department of Public Works, of a Tree Removal Permit (approval of request to remove forty-four (44) street trees with replacement of one-hundred eighty-five (185) street trees). ORDER NO. 183617. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Swig absent) to deny the appeal and uphold the permit on the basis that the Department did not err in its issuance of this permit, and with the adoption of environmental findings as read into the record.

SPEAKERS: Curtis Speck, appellant; Ariane Eroy, appellant; John Dennis, agent for permit holder; Carla Short, DPW.

PUBLIC COMMENT: Otto Duffy, Amber Yada, Rupa Bose, Anastasia Glikshtern and Terry Oxford spoke in support of the appellants. Tim Hickey and Noah Budnick spoke in support of the permit holder.

(7) **APPEAL NO. 15-070**

WILLIAM GORDON KAUPP & BETH FEINBERG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	287 Cresta Vista Avenue. Protesting the ISSUANCE on April 30, 2015, to Jianseng Chen, of an Alteration Permit (temporary shoring). APPLICATION NO. 2014/07/10/0951. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Swig absent) to continue the appeal to October 28, 2015 to allow time for the parties to finalize a settlement.

SPEAKERS: John Callan, attorney for appellants; Alice Barkley, attorney for appellants; Rodrigo Santos, agent for permit holder; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(8) **APPEAL NO. 15-086**

MICHAEL GORMAN & DEBORAH MINTZ, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	309 Magellan Avenue. Protesting the ISSUANCE on May 14, 2015, to Max & Suzanne Mead, of an Alteration Permit (4 posts in rear yard for decorative temporary lighting attached to existing rear deck and fence). APPLICATION NO. 2015/05/13/6162. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Swig absent) to grant the appeal and deny the permit on the basis that (1) the poles do not conform to the Planning Code definition of rear yard recreational use; and (2) the permit is not in the best interest of the community.

SPEAKERS: Niall Vignoles, attorney for appellants; Michael Gorman, appellant; John Kevlin, attorney for permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

ITEMS (9A) AND (9B) SHALL BE HEARD TOGETHER:

(9A) **APPEAL NO. 15-106**

JOHN NULTY, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	101 Hyde Street. Protesting the ISSUANCE on July 30, 2015, to Costa Brown Architecture Inc., of Exposure and Permitted Obstructions Variances (construct a residential building, eight stories and approx.. 80 feet in height, containing 85 dwelling units, 4,923 square feet of ground floor retail space, and 15 off-street parking spaces). CASE NO. 2012.0086EVX FOR HEARING TODAY.

(9B) **APPEAL NO. 15-107**

OTTO DUFFY, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	101 Hyde Street. Protesting the ISSUANCE on July 30, 2015, to Costa Brown Architecture Inc., of Exposure and Permitted Obstructions Variances (construct a residential building, eight stories and approx.. 80 feet in height, containing 85 dwelling units, 4,923 square feet of ground floor retail space, and 15 off-street parking spaces). CASE NO. 2012.0086EVX FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Swig absent) to deny the appeals and uphold the variance on the basis that the five findings required under Planning Code Section 305(c) have been met.

SPEAKERS: John Nulty, appellant; Michael Nulty, agent for appellant; Otto Duffy, appellant; Howard Slavitt, attorney for variance holder; Scott Sanchez, ZA.

PUBLIC COMMENT: Benny Wong and Susan Bryan spoke in support of the appellants.

ADJOURNMENT.

There being no further business, President Lazarus adjourned the meeting at 8:30 p.m.

City and County of San Francisco

Edwin M. Lee
Mayor

Board of Appeals

Cynthia G. Goldstein
Executive Director

PUBLIC NOTICE

9/15
cancelled

The Board of Appeals has **NOT SCHEDULED** a meeting for September 9, 2015. The next regular meeting is scheduled for **Wednesday, September 16, 2015, in City Hall, Room 416, 5:00 p.m.,** One Dr. Carlton B. Goodlett Place.

Please call 415-575-6880 if there are any questions concerning this or any other appeal-related matter.

Date Posted: **September 03, 2015**

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, SEPTEMBER 16, 2015

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT

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(2) COMMISSIONER COMMENTS & QUESTIONS

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(3) ADOPTION OF MINUTES

Discussion and possible adoption of the September 02, 2015 minutes.

(4) JURISDICTION REQUESTS

Subject property at 721 Beach Street. Letter from Greg Holzman, requestor, asking that the Board take jurisdiction over BPA Nos. 2015/11/29/5645S and 2014/05/01/4707, which were issued on January 15, 2013 and June 24, 2014, respectively. The appeal periods ended on January 30, 2013 and July 09, 2014, respectively, and the jurisdiction requests were filed at the Board office on August 19, 2015. Permit Holders: Jeff Sears/BJ Real Estate. Project: new construction of a four-story, 40' tall mixed use building with two dwelling units, with revision: a new structural system along east property line, new stair configuration at rear of property, new elevator, lobby layout, update occupancy to B, M, and R-3.

(5) JURISDICTION REQUEST

Subject property at 4631-4633 Irving Street. Letter from Marco Estrada & Ascencion Landeros, requestors, asking that the Board take jurisdiction over BPA No. 2015/07/03/0642, which was issued on July 21, 2015. The appeal period ended on August 05, 2015, and the jurisdiction request was filed at the Board office on August 26, 2015. Permit Holder: Chad Doyle. Project: demolish kitchen in illegal in-law unit; legalize half bath.

(6) **REHEARING REQUEST**

Subject property at 333 Pennsylvania Avenue. Letter from Robert E. Gonzales, appellant, requesting rehearing of Appeal No. 15-101, Jarumay & Gonzalez vs. DBI, PDA, decided August 26, 2015. At that time, the Board voted 3-1-1 (Commissioner Wilson dissented and Commissioner Swig absent) to uphold the permit on the basis that it was properly issued and is Code compliant. Permit Holder: Ed Maiello. **Project:** to construct a five story, two-unit residential building with 1,400sf of ground floor area. Application No. 2013/06/12/9341S.

(7) **APPEAL NO. 15-105**

IRVING ZARETSKY, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2835-2839 Broderick Street. Protesting the ISSUANCE on July 16, 2015, to Michael Jaeger, of a Rear Yard Variance (replace existing rear stairs with new decks and stairs on 2nd and 3rd floors of the three-story, three-family dwelling). CASE NO. 2013.0708V. FOR HEARING TODAY.

ADJOURNMENT.

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Date posted: **September 11, 2015**

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, SEPTEMBER 16, 2015

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: Vice President Darryl Honda, Commissioner Frank Fung, Commissioner Bobbie Wilson and Commissioner Rick Swig.

ABSENT: President Ann Lazarus

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Cynthia Goldstein, Executive Director; Gary Cantara, Legal Assistant; Xiomara Mejia, Legal Process Clerk.

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PUBLIC COMMENT: None.

(2) **COMMISSIONER COMMENTS & QUESTIONS**

SPEAKERS: Vice President Honda welcomed the Board's new legal assistant, Gary Cantara.

PUBLIC COMMENT: None.

(3) **ADOPTION OF MINUTES**

Discussion and possible adoption of the September 2, 2015 minutes.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (President Lazarus absent) to adopt the September 2, 2015 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **JURISDICTION REQUESTS**

Subject property at 721 Beach Street. Letter from Greg Holzman, requestor, asking that the Board take jurisdiction over BPA Nos. 2015/11/29/5645S and 2014/05/01/4707, which were issued on January 15, 2013 and June 24, 2014, respectively. The appeal periods ended on January 30, 2013 and July 09, 2014, respectively, and the jurisdiction requests were filed at the Board office on August 19, 2015. Permit Holders: Jeff Sears/BJ Real Estate. Project: new construction of a four-story, 40' tall mixed use building with two dwelling units, with revision: a new structural system along east property line, new stair configuration at rear of property, new elevator, lobby layout, update occupancy to B, M, and R-3.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (President Lazarus absent) to continue these requests to November 18, 2015 to allow time for the permit holder to finalize revised plans.

SPEAKERS: Niall Vignoles, attorney for requestor; John Kevlin, attorney for permit holder; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

(5) **JURISDICTION REQUEST**

Subject property at 4631-4633 Irving Street. Letter from Marco Estrada & Ascencion Landeros, requestors, asking that the Board take jurisdiction over BPA No. 2015/07/03/0642, which was issued on July 21, 2015. The appeal period ended on August 05, 2015, and the jurisdiction request was filed at the Board office on August 26, 2015. Permit Holder: Chad Doyle. Project: demolish kitchen in illegal in-law unit; legalize half bath.

ACTION: Upon motion by Vice President Honda, the Board voted 4-0-1 (President Lazarus absent) to deny the request.

SPEAKERS: Raquel Fox, attorney for requestors; Chad Doyle, permit holder; Jaimie Bombard, attorney for permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(6) **REHEARING REQUEST**

Subject property at 333 Pennsylvania Avenue. Letter from Robert E. Gonzales, appellant, requesting rehearing of Appeal No. 15-101, Jarumay & Gonzalez vs. DBI, PDA, decided August 26, 2015. At that time, the Board voted 3-1-1 (Commissioner Wilson dissented and Commissioner Swig absent) to uphold the permit on the basis that it was properly issued and is Code compliant. Permit Holder: Ed Maiello. **Project:** to construct a five story, two-unit residential building with 1,400sf of ground floor area. Application No. 2013/06/12/9341S.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (President Lazarus absent) to deny the request.

SPEAKERS: Robert Gonzales, requestor; Thomas Tunny, attorney for permit holder; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

(7) **APPEAL NO. 15-105**

IRVING ZARETSKY, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2835-2839 Broderick Street. Protesting the ISSUANCE on July 16, 2015, to Michael Jaeger, of a Rear Yard Variance (replace existing rear stairs with new decks and stairs on 2nd and 3rd floors of the three-story, three-family dwelling). CASE NO. 2013.0708V. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Honda, the Board voted 3-1-1 (Commissioner Wilson dissented and President Lazarus absent) to deny the appeal and uphold the variance on the basis that the five findings required under Planning Code Section 305(c) have been met.

SPEAKERS: Irving Zaretsky, appellant; Zeeva Kardos, agent for appellant; Henry Karnilowicz, agent for variance holder; Michael Jaeger, variance holder; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Lazarus adjourned the meeting at 6:35 p.m.

City and County of San Francisco

Edwin M. Lee
Mayor

Board of Appeals

Cynthia G. Goldstein
Executive Director

PUBLIC NOTICE

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cancelled

The Board of Appeals has **NOT SCHEDULED** meetings for September 23, 2015 or September 30, 2015. The next regular meeting is scheduled for **Wednesday, October 07, 2015, in City Hall, Room 416, 5:00 p.m.,** One Dr. Carlton B. Goodlett Place.

Please call 415-575-6880 if there are any questions concerning this or any other appeal-related matter.

Date Posted: **September 18, 2015**

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, OCTOBER 07, 2015

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) COMMISSIONER COMMENTS & QUESTIONS

(3) ADOPTION OF MINUTES

Discussion and possible adoption of the September 16, 2015 minutes.

(4) JURISDICTION REQUEST

Subject property at 437 Duncan Street. Letter from Georgia Schuttish, requestor, asking that the Board take jurisdiction over BPA No. 2012/04/18/8570S, which was issued on January 21, 2015 by the Dept. of Building Inspection. The appeal period ended on February 05, 2015, and the jurisdiction request was filed at the Board office on September 14, 2015. Permit Holder: 437 Duncan LLP. Project: erect 2 stories over basement of single family, type 5 building.

(5) APPEAL NO. 15-115

ANGELA LUO AND JOHN BIRMINGHAM, Appellants vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	2530 30th Avenue. Protesting the ISSUANCE on August 05, 2015, to NextG Networks of California, Inc., of a WIRELESS BOX PERMIT (construction of a personal wireless service facility). APPLICATION NO. 14WR-0170. FOR HEARING TODAY.

(6) **APPEAL NO. 15-110**

ELIZABETH SALE AND MATTHEW GAFFNEY, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	871 29th Avenue. Protesting the ISSUANCE on July 30, 2015, to NextG Networks of California, Inc., of a WIRELESS BOX PERMIT (construction of a personal wireless service facility). APPLICATION NO. 14WR-0142. FOR HEARING TODAY.

(7) **APPEAL NO. 15-112**

LUDWIG CHINCARINI, Appellant vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	842 37th Avenue. Protesting the ISSUANCE on August 05, 2015, to NextG Networks of California, Inc., of a WIRELESS BOX PERMIT (construction of a personal wireless service facility). APPLICATION NO. 14WR-0155. FOR HEARING TODAY.

(8) **APPEAL NO. 15-113**

KEIMING YEN AND DAVID LAU, Appellants vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	787 33rd Avenue. Protesting the ISSUANCE on August 05, 2015, to NextG Networks of California, Inc., of a WIRELESS BOX PERMIT (construction of a personal wireless service facility). APPLICATION NO. 14WR-0180. FOR HEARING TODAY.

(9) **APPEAL NO. 15-114**

ELIZABETH MANGINI AND JORDAN KANTOR, Appellants vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	1394 35th Avenue. Protesting the ISSUANCE on August 05, 2015, to NextG Networks of California, Inc., of a WIRELESS BOX PERMIT (construction of a personal wireless service facility). APPLICATION NO. 14WR-0175. FOR HEARING TODAY.

(10) **APPEAL NO. 15-116**

AMANDA GORMLEY, Appellant vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	1531 40th Avenue. Protesting the ISSUANCE on August 05, 2015, to NextG Networks of California, Inc., of a WIRELESS BOX PERMIT (construction of a personal wireless service facility). APPLICATION NO. 14WR-0174. FOR HEARING TODAY.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8:00 a.m. to 5:00 p.m., 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8:00 a.m. to 5:00 p.m., 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **October 02, 2015**

MEMBERS OF THE BOARD OF APPEALS

ANN LAZARUS	PRESIDENT
DARRYL HONDA	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
RICK SWIG	COMMISSIONER
BOBBIE WILSON	COMMISSIONER

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed seven minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three minutes to present testimony and evidence, with no rebuttal.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

Those members of the public who intend to testify about a particular appeal and wish to have the Board give their testimony evidentiary weight for purposes of deciding the appeal are asked to take an oath. Please note that any member of the public may speak without being sworn-in pursuant to their rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code).

SPECIAL NOTES

If the Board continues a matter to a specific date that is announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 415-575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa.

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:30 p.m. one Thursday prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete

distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies. Please note that names and addresses included in these submittals will become part of the public record. Submittals may be made anonymously.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

American sign language interpreters, translation services and/or sound enhancement will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing.

Intérpretes de lenguaje de señas americano, servicio de traducción y/o mejoramiento del sonido estará disponible a petición contactando con personal de la Junta al 415-575-6880 por lo menos 48 horas antes de la audiencia.

美国手语翻译, 翻译服务和/或声音增强将可在聆讯前48小时通过联系575-6880局人员要求.

Ang mga tagapagsalin sa lenggwaheng pasenyas, mga serbisyong pagsasalin at/o mga gamit upang pabutihin ang pakikinig ay maaaring hilingin sa Board Staff sa 575-6880 sa hindi bababa na 48 oras bago mag hearing.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please
contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Board's web site, www.sfgov.org/boa.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGOVTV. Please telephone 415-554-4188 or go to http://sfgovtv.org for information.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, OCTOBER 07, 2015

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Ann Lazarus, Vice President Darryl Honda, Commissioner Frank Fung, Commissioner Bobbie Wilson and Commissioner Rick Swig.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Omar Masry, Planner, Planning Department (PD); Carla Short, Deputy Bureau Manager, Department of Public Works Bureau of Street Use and Mapping (DPW); Gene Chan, DPW; Cynthia Goldstein, Executive Director; Gary Cantara, Legal Assistant; Alec Longaway, Legal Process Clerk.

7/15

(1) PUBLIC COMMENT

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

PUBLIC COMMENT: None.

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(2) COMMISSIONER COMMENTS & QUESTIONS

SPEAKERS: None.

(3) ADOPTION OF MINUTES

Discussion and possible adoption of the September 16, 2015 minutes.

ACTION: Upon motion by Vice President Honda, the Board voted 5-0 to adopt the September 16, 2015 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **JURISDICTION REQUEST**

Subject property at 437 Duncan Street. Letter from Georgia Schuttish, requestor, asking that the Board take jurisdiction over BPA No. 2012/04/18/8570S, which was issued on January 21, 2015 by the Dept. of Building Inspection. The appeal period ended on February 05, 2015, and the jurisdiction request was filed at the Board office on September 14, 2015. Permit Holder: 437 Duncan LLP. Project: erect 2 stories over basement of single family, type 5 building.

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to deny the request.

SPEAKERS: Georgia Schuttish, requestor; Jody Knight, attorney for permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 15-115**

ANGELA LUO AND JOHN BIRMINGHAM, Appellants vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	2530 30th Avenue. Protesting the ISSUANCE on August 05, 2015, to NextG Networks of California, Inc., of a WIRELESS BOX PERMIT (construction of a personal wireless service facility). APPLICATION NO. 14WR-0170. FOR HEARING TODAY.

ACTION: Upon motion by President Lazarus, the Board voted 1-4 to deny the appeal and uphold the permit on the basis that it complies with San Francisco Public Works Code Article 25 and on the condition that it be revised to reflect the Planning Department conditions submitted at the hearing. Lacking the four votes needed to pass, the motion failed. Upon motion by Commissioner Fung, the Board voted 4-1 (President Lazarus dissented) to grant the appeal and deny the permit on the basis that the notice was defective.

SPEAKERS: John Birmingham, appellant; Hakha Do, agent for appellant (through interpreter David Yeh); Martin Fineman, attorney for permit holder; John Griffiths, agent for permit holder; Gene Chan, DPW; Carla Short, DPW; Omar Masry, PD.

PUBLIC COMMENT: Jordan Kantor, Matthew Gaffney and Anne Brubaker spoke in support of the appellants.

(6) **APPEAL NO. 15-110**

ELIZABETH SALE AND MATTHEW GAFFNEY, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	871 29th Avenue. Protesting the ISSUANCE on July 30, 2015, to NextG Networks of California, Inc., of a WIRELESS BOX PERMIT (construction of a personal wireless service facility). APPLICATION NO. 14WR-0142. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-1 (Commissioner Wilson dissented) to continue the appeal to October 28, 2015 to allow time for the Department of Public Works to provide the permit's notification materials to the Board.

SPEAKERS: Elizabeth Sale, appellant; Matthew Gaffney, appellant; Martin Fineman, attorney for permit holder; Gene Chan, DPW; Carla Short, DPW; Omar Masry, PD.

PUBLIC COMMENT: Lisa Arjes spoke in support of the appellants.

(7) **APPEAL NO. 15-112**

LUDWIG CHINCARINI, Appellant vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	842 37th Avenue. Protesting the ISSUANCE on August 05, 2015, to NextG Networks of California, Inc., of a WIRELESS BOX PERMIT (construction of a personal wireless service facility). APPLICATION NO. 14WR-0155. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-1 (President Lazarus dissented) to grant the appeal and deny the permit on the basis that the notice was defective.

SPEAKERS: Ludwig Chincarini, appellant; Martin Fineman, attorney for permit holder; Gene Chan, DPW; Omar Masry, PD.

PUBLIC COMMENT: Jordan Kantor, Anne Brubaker and Keiming Yen spoke in support of the appellant.

(8) **APPEAL NO. 15-113**

KEIMING YEN AND DAVID LAU, Appellants vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	787 33rd Avenue. Protesting the ISSUANCE on August 05, 2015, to NextG Networks of California, Inc., of a WIRELESS BOX PERMIT (construction of a personal wireless service facility). APPLICATION NO. 14WR-0180. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-1 (President Lazarus dissented) to grant the appeal and deny the permit on the basis that the notice was defective.

SPEAKERS: Keiming Yen, appellant; Martin Fineman, attorney for permit holder; Gene Chan, DPW; Omar Masry, PD.

PUBLIC COMMENT: Isabel Molloy, Amanda Gormley, Angela Luo, Jordan Kantor and Ludwig Chincarini spoke in support of appellants.

(9) **APPEAL NO. 15-114**

ELIZABETH MANGINI AND JORDAN KANTOR, Appellants vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	1394 35th Avenue. Protesting the ISSUANCE on August 05, 2015, to NextG Networks of California, Inc., of a WIRELESS BOX PERMIT (construction of a personal wireless service facility). APPLICATION NO. 14WR-0175. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Honda, the Board voted 4-1 (President Lazarus dissented) to grant the appeal and deny the permit on the basis that the notice was defective.

SPEAKERS: Jordan Kantor, appellant; Martin Fineman, attorney for permit holder; Sharon James, agent for permit holder; Gene Chan, DPW; Omar Masry, PD.

PUBLIC COMMENT: Lisa Arjes spoke in support of the appellants.

(10) **APPEAL NO. 15-116**

AMANDA GORMLEY, Appellant vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	1531 40th Avenue. Protesting the ISSUANCE on August 05, 2015, to NextG Networks of California, Inc., of a WIRELESS BOX PERMIT (construction of a personal wireless service facility). APPLICATION NO. 14WR-0174. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Honda, the Board voted 4-1 (President Lazarus dissented) to grant the appeal and deny the permit on the basis that the notice was defective.

SPEAKERS: Amanda Gormley, appellant; Martin Fineman, attorney for permit holder; Gene Chan, DPW; Omar Masry, PD.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Lazarus adjourned the meeting at 9:20 p.m.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, OCTOBER 14, 2015

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) COMMISSIONER COMMENTS & QUESTIONS

(3) ADOPTION OF MINUTES

Discussion and possible adoption of the October 07, 2015 minutes.

(4) JURISDICTION REQUEST

Subject property at 665 San Jose Avenue. Letter from Tyrone Whitehorn, requestor, asking that the Board take jurisdiction over BPA No. 2015/05/21/6937, which was issued on May 22, 2015. The appeal period ended on June 08, 2015, and the jurisdiction request was filed at the Board office on August 10, 2015. Permit Holder: Joseph K. Bravo. Project: remove (2) illegal residential living spaces at unit 665 1st floor commercial store front at ground and remove stove from unit 663 1st floor and basement level; 1st floor street level unit 665 to be returned to commercial space per future Planning Conditional Use Application. **NOTE: On August 26, 2015 the Board voted 4-0-1 (Commissioner Swig absent) to continue this matter to allow time for the departments to investigate the status of the permit and for the permit holder to provide information to the Board on his intentions with respect to the permit.**

(5) REHEARING REQUEST

Subject property at 2835-2839 Broderick Street. Letter from Irving Zaretsky, appellant, requesting rehearing of Appeal No. 15-105, Zaretsky vs. ZA, decided September 16, 2015. At that time, the Board voted 3-1-1 (Commissioner Wilson dissented and Commissioner Lazarus absent) to uphold the variance on the basis that the five findings required under Planning Code § 305(c) have been met. **Permit Holder:** Michael Jaeger. **Project:** to replace existing rear stairs with new decks and stairs on 2nd and 3rd floors of the three-story, three-family dwelling. Case No. 2013.0708V.

(6) **APPEAL NO. 15-119**

PANORAMIC INTERESTS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	1321 Mission Street. Protesting the DENIAL on August 18, 2015, 2015, of a Tree Removal Permit (denial of request to not plant five (5) 60" box size replacement trees at the subject property). APPLICATION NO. 776333. FOR HEARING TODAY.

(7) **APPEAL NO. 15-117**

SIDNEY & NANCY UNOBSKEY FAMILY TRUST, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2774-2778 Green Street. Protesting the ISSUANCE on August 07, 2015, to Simon Michael, of an Alteration Permit (merger from three to two units; infill of three non-shared lightwells, one on west side and two on east side; horizontal addition at fourth floor; sitting room remodel and addition of fourth floor master suite). APPLICATION NO. 2013/09/25/7720S. FOR HEARING TODAY.

(8) **APPEAL NO. 15-118**

WAYNE TAM, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	633 Kirkham Street. Protesting the ISSUANCE on August 13, 2015, to Adolfo Castillo and Gloria Gonzalez, of an Alteration Permit (infill lightwell at second floor powder room – 8sf). APPLICATION NO. 2013/09/25/7720S. FOR HEARING TODAY.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Departmental decision, order, permit, determination, resolution, or notice of violation; 4) submittals by members of the public; and 5) correspondence. These items are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8:00 a.m. to 5:00 p.m., 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. **Note B:** If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8:00 a.m. to 5:00 p.m., 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **October 09, 2015**

MEMBERS OF THE BOARD OF APPEALS

ANN LAZARUS	PRESIDENT
DARRYL HONDA	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
RICK SWIG	COMMISSIONER
BOBBIE WILSON	COMMISSIONER

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed seven minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three minutes to present testimony and evidence, with no rebuttal.

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SPECIAL NOTES

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Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

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Ang mga tagapagsalin sa lenggwaheng pasenyas, mga serbisyong pagsasalin at/o mga gamit upang pabutihin ang pakikinig ay maaaring hilingin sa Board Staff sa 575-6880 sa hindi bababa na 48 oras bago mag hearing,

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, OCTOBER 14, 2015

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Ann Lazarus, Vice President Darryl Honda, Commissioner Frank Fung and Commissioner Rick Swig.

ABSENT: Commissioner Bobbie Wilson.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Chris Buck, Acting Urban Forester, Department of Public Works Bureau of Urban Forestry (DPW); Cynthia Goldstein, Executive Director; Alec Longaway, Legal Process Clerk.

(1) PUBLIC COMMENT

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

PUBLIC COMMENT: None.

(2) COMMISSIONER COMMENTS & QUESTIONS

SPEAKERS: President Lazarus announced that two Board members need to leave the meeting at 7:00 p.m. and asked the members to help efficiently hear the cases on the calendar.

PUBLIC COMMENT: None.

(3) ADOPTION OF MINUTES

Discussion and possible adoption of the October 7, 2015 minutes.

ACTION: Upon motion by Vice President Honda, the Board voted 4-0-1 (Commissioner Wilson absent) to adopt the October 7, 2015 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **JURISDICTION REQUEST**

Subject property at 665 San Jose Avenue. Letter from Tyrone Whitehorn, requestor, asking that the Board take jurisdiction over BPA No. 2015/05/21/6937, which was issued on May 22, 2015. The appeal period ended on June 08, 2015, and the jurisdiction request was filed at the Board office on August 10, 2015. Permit Holder: Joseph K. Bravo. Project: remove (2) illegal residential living spaces at unit 665 1st floor commercial store front at ground and remove stove from unit 663 1st floor and basement level; 1st floor street level unit 665 to be returned to commercial space per future Planning Conditional Use Application. **NOTE: On August 26, 2015 the Board voted 4-0-1 (Commissioner Swig absent) to continue this matter to allow time for the departments to investigate the status of the permit and for the permit holder to provide information to the Board on his intentions with respect to the permit.**

ACTION: Upon motion by President Lazarus, the Board voted 4-0-1 (Commissioner Wilson absent) to continue this matter to October 28, 2015.

SPEAKERS: None.

PUBLIC COMMENT: None.

(5) **REHEARING REQUEST**

Subject property at 2835-2839 Broderick Street. Letter from Irving Zaretsky, appellant, requesting rehearing of Appeal No. 15-105, Zaretsky vs. ZA, decided September 16, 2015. At that time, the Board voted 3-1-1 (Commissioner Wilson dissented and Commissioner Lazarus absent) to uphold the variance on the basis that the five findings required under Planning Code § 305(c) have been met. **Permit Holder:** Michael Jaeger. **Project:** to replace existing rear stairs with new decks and stairs on 2nd and 3rd floors of the three-story, three-family dwelling. Case No. 2013.0708V.

ACTION: Upon motion by Vice President Honda, the Board voted 3-1-1 (Commissioner Fung dissented and Commissioner Wilson absent) to deny the request.

SPEAKERS: Irving Zaretsky, requestor; Michael Jaeger, variance holder.

PUBLIC COMMENT: None.

(6) **APPEAL NO. 15-119**

PANORAMIC INTERESTS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	1321 Mission Street. Protesting the DENIAL on August 18, 2015, of a Tree Removal Permit (denial of request to not plant five (5) 60" box size replacement trees at the subject property). APPLICATION NO. 776333. FOR HEARING TODAY.

ACTION: Upon motion by President Lazarus, the Board voted 4-0-1 (Commissioner Wilson absent) to continue the appeal to December 9, 2015 to allow time for the parties to discuss resolution and for a representative from the Department of Public Works to appear before the Board to address how Americans with Disabilities Act requirements impact this permit.

SPEAKERS: Patrick Kennedy, appellant; Zac Shore, agent for appellant; Chris Buck, DPW.

PUBLIC COMMENT: David Schoenbrun raised a concern about a tree planted near his building that it's causing water leakage to his basement. Jennifer Grant spoke in support of the Department.

(7) **APPEAL NO. 15-117**

SIDNEY & NANCY UNOBSKEY FAMILY TRUST, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2774-2778 Green Street. Protesting the ISSUANCE on August 07, 2015, to Simon Michael, of an Alteration Permit (merger from three to two units; infill of three non-shared lightwells, one on west side and two on east side; horizontal addition at fourth floor; sitting room remodel and addition of fourth floor master suite). APPLICATION NO. 2013/09/25/7720S. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Wilson absent) to continue this matter to the Call of the Chair.

SPEAKERS: Mary Gallagher, agent for appellant; Melinda Sarjapur, attorney for permit holder; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

(8) **APPEAL NO. 15-118**

WAYNE TAM, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	633 Kirkham Street. Protesting the ISSUANCE on August 13, 2015, to Adolfo Castillo and Gloria Gonzalez, of an Alteration Permit (infill lightwell at second floor powder room – 8sf). APPLICATION NO. 2013/09/25/7720S. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Wilson absent) to deny the appeal and uphold the permit on the basis that it was validly issued.

SPEAKERS: Wayne Tam, appellant; Gloria Gonzalez, permit holder; Adolfo Castillo, permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: Cynthia Pereira spoke in support of the appellant.

ADJOURNMENT.

There being no further business, President Lazarus adjourned the meeting at 6:50 p.m.

City and County of San Francisco

Edwin M. Lee
Mayor

Board of Appeals

Cynthia G. Goldstein
Executive Director

PUBLIC NOTICE

The Board of Appeals has **NOT SCHEDULED** a meeting for October 21, 2015. The next regular meeting is scheduled for **Wednesday, October 28, 2015, in City Hall, Room 416, 5:00 p.m.,** One Dr. Carlton B. Goodlett Place.

Please call 415-575-6880 if there are any questions concerning this or any other appeal-related matter.

Date Posted: **October 16, 2015**

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, OCTOBER 28, 2015

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) **COMMISSIONER COMMENTS & QUESTIONS**

(3) **ADOPTION OF MINUTES**

Discussion and possible adoption of the October 14, 2015 minutes.

(4) **JURISDICTION REQUEST**

Subject property at 665 San Jose Avenue. Letter from Tyrone Whitehorn, requestor, asking that the Board take jurisdiction over BPA No. 2015/05/21/6937, which was issued on May 22, 2015. The appeal period ended on June 08, 2015, and the jurisdiction request was filed at the Board office on August 10, 2015. Permit Holder: Joseph K. Bravo. Project: remove (2) illegal residential living spaces at unit 665 1st floor commercial store front at ground and remove stove from unit 663 1st floor and basement level; 1st floor street level unit 665 to be returned to commercial space per future Planning Conditional Use Application. **NOTE: On August 26, 2015 the Board voted 4-0-1 (Commissioner Swig absent) to continue this matter to allow time for the departments to investigate the status of the permit and for the permit holder to provide information to the Board on his intentions with respect to the permit. On October 14, 2015 the Board voted 4-0-1 (Commissioner Wilson absent) to continue this matter to October 28, 2015, because a loss of quorum prevented the Board from hearing the matter.**

(5) **APPEAL NO. 15-122**

XIN MIAN HUANG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	39 Raymond Avenue. Protesting the IMPOSITION of a penalty on September 3, 2015, for construction work done without a permit. APPLICATION NO. 2015/08/10/3740. FOR HEARING TODAY.

(6) **APPEAL NO. 15-110**

ELIZABETH SALE AND MATTHEW GAFFNEY, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	871 29th Avenue. Protesting the ISSUANCE on July 30, 2015, to NextG Networks of California, Inc., of a WIRELESS BOX PERMIT (construction of a personal wireless service facility). APPLICATION NO. 14WR-0142. PUBLIC HEARING HELD ON OCT. 07, 2015. FOR FURTHER CONSIDERATION TODAY. **Note: matter continued to allow time for the department to provide the permit's notification materials to the Board.**

(7) **APPEAL NO. 15-073**

ROSEMARY KIM & MARGOT BEALL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	221 - 5th Avenue. Protesting the ISSUANCE on April 28, 2015, to Gregor & Annika Ehrlich, of an Alteration Permit (revision to BPA No. 2014/07/31/2691; construct changes to front stairs; reconfigure straight run of stairs to stairs with landing). APPLICATION NO. 2015/03/30/2302. PUBLIC HEARING HELD ON JULY 15, 2015. FOR FURTHER CONSIDERATION TODAY. **Note: matter continued to allow time for the permit holder to prepare revised consolidated plans; no additional briefing is allowed.**

(8) **APPEAL NO. 15-070**

WILLIAM GORDON KAUPP & BETH FEINBERG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	287 Cresta Vista Avenue. Protesting the ISSUANCE on April 30, 2015, to Jianseng Chen, of an Alteration Permit (temporary shoring). APPLICATION NO. 2014/07/10/0951. PUBLIC HEARING HELD ON SEPT. 02, 2015. FOR FURTHER CONSIDERATION TODAY. **Note: this matter was continued to allow time for the parties to finalize a settlement agreement.**

(9) **APPEAL NO. 15-123**

NAIFEH AZAR, SHIBLI AZAR, SHURKY AZAR, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	650 Andover Street. Protesting the ISSUANCE on September 3, 2015, of a Letter of Determination stating that the current legal use is as a two-unit residential building and that a Limited Commercial Use cannot be established at the subject property. FOR HEARING TODAY.

ADJOURNMENT.

Note: The materials for each item on this agenda may include some or all of the following documents: Preliminary Statement of Appeal; Departmental determination being appealed; briefs submitted by Appellants, Permit Holders, Respondent Departments or Other Parties; submittals by members of the public; and correspondence. These items, and any materials related to an item on this agenda that are distributed to the Board members at the hearing, are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8:00 a.m. to 5:00 p.m., 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **October 23, 2015**

MEMBERS OF THE BOARD OF APPEALS

ANN LAZARUS	PRESIDENT
DARRYL HONDA	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
RICK SWIG	COMMISSIONER
BOBBIE WILSON	COMMISSIONER

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, OCTOBER 28, 2015

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Ann Lazarus, Vice President Darryl Honda, Commissioner Frank Fung and Commissioner Rick Swig.

ABSENT: Commissioner Bobbie Wilson

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Carla Short, Superintendent, Department of Public Works (DPW); Cynthia Goldstein, Executive Director; Gary Cantara, Legal Assistant.

(1) PUBLIC COMMENT

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PUBLIC COMMENT: None.

(2) COMMISSIONER COMMENTS & QUESTIONS

SPEAKERS: None

(3) ADOPTION OF MINUTES

Discussion and possible adoption of the October 14, 2015 minutes.

ACTION: Upon motion by Vice President Honda, the Board voted 4-0-1 (Commissioner Wilson absent) to adopt the October 14, 2015 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

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(4) **JURISDICTION REQUEST**

Subject property at 665 San Jose Avenue. Letter from Tyrone Whitehorn, requestor, asking that the Board take jurisdiction over BPA No. 2015/05/21/6937, which was issued on May 22, 2015. The appeal period ended on June 08, 2015, and the jurisdiction request was filed at the Board office on August 10, 2015. Permit Holder: Joseph K. Bravo. Project: remove (2) illegal residential living spaces at unit 665 1st floor commercial store front at ground and remove stove from unit 663 1st floor and basement level; 1st floor street level unit 665 to be returned to commercial space per future Planning Conditional Use Application. **NOTE: On August 26, 2015 the Board voted 4-0-1 (Commissioner Swig absent) to continue this matter to allow time for the departments to investigate the status of the permit and for the permit holder to provide information to the Board on his intentions with respect to the permit. On October 14, 2015 the Board voted 4-0-1 (Commissioner Wilson absent) to continue this matter to October 28, 2015, because a loss of quorum prevented the Board from hearing the matter.**

ACTION: Upon motion by President Lazarus, the Board voted 4-0-1 (Commissioner Wilson absent) to deny the request.

SPEAKERS: Tyrone Whitehorn, requestor; Kevin Treadwell, agent for permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 15-122**

XIN MIAN HUANG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	39 Raymond Avenue. Protesting the IMPOSITION of a penalty on September 3, 2015, for construction work done without a permit. APPLICATION NO. 2015/08/10/3740. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Wilson absent) to grant the appeal and reduce the penalty to five times of the value of work performed, on the basis that the current owner did not perform the unpermitted work.

SPEAKERS: Xin Mian Huang, appellant (through interpreter LiLi Lin); Hui Chang Yu Huang, agent for appellant; Ken Huang, agent for appellant; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(6) **APPEAL NO. 15-110**

ELIZABETH SALE AND MATTHEW GAFFNEY, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	871 29th Avenue. Protesting the ISSUANCE on July 30, 2015, to NextG Networks of California, Inc., of a WIRELESS BOX PERMIT (construction of a personal wireless service facility). APPLICATION NO. 14WR-0142. PUBLIC HEARING HELD ON OCT. 07, 2015. FOR FURTHER CONSIDERATION TODAY. **Note: matter continued to allow time for the department to provide the permit's notification materials to the Board.**

ACTION: Upon motion by Vice President Honda, the Board voted 2-2-1 (President Lazarus and Commissioner Fung dissented and Commissioner Wilson absent) to grant the appeal and deny the permit on the basis that the notice was defective. Lacking the four votes needed to pass, the motion failed. With no further motion made, the permit was upheld by operation of law.

SPEAKERS: Martin Fineman, attorney for permit holder; Carla Short, DPW. The appellants did not appear.

PUBLIC COMMENT: None.

(7) **APPEAL NO. 15-073**

ROSEMARY KIM & MARGOT BEALL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	221 - 5th Avenue. Protesting the ISSUANCE on April 28, 2015, to Gregor & Annika Ehrlich, of an Alteration Permit (revision to BPA No. 2014/07/31/2691; construct changes to front stairs; reconfigure straight run of stairs to stairs with landing). APPLICATION NO. 2015/03/30/2302. PUBLIC HEARING HELD ON JULY 15, 2015. FOR FURTHER CONSIDERATION TODAY. **Note: matter continued to allow time for the permit holder to prepare revised consolidated plans; no additional briefing is allowed.**

ACTION: Upon motion by President Lazarus, the Board voted 4-0-1 (Commissioner Wilson absent) to grant the appeal and issue the permit with the adoption of revised plans dated October 21, 2015, on the basis that this reflects the agreement of the parties.

SPEAKERS: Rose Kim, appellant; Matthew Burkert, agent for permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(8) **APPEAL NO. 15-070**

WILLIAM GORDON KAUPP & BETH FEINBERG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	287 Cresta Vista Avenue. Protesting the ISSUANCE on April 30, 2015, to Jianseng Chen, of an Alteration Permit (temporary shoring). APPLICATION NO. 2014/07/10/0951. PUBLIC HEARING HELD ON SEPT. 02, 2015. FOR FURTHER CONSIDERATION TODAY. **Note: this matter was continued to allow time for the parties to finalize a settlement agreement.**

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Wilson absent) to continue the hearing to November 4, 2015 as requested by the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(9) **APPEAL NO. 15-123**

NAIFEH AZAR, SHIBLI AZAR, SHURKY AZAR, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	650 Andover Street. Protesting the ISSUANCE on September 3, 2015, of a Letter of Determination stating that the current legal use is as a two-unit residential building and that a Limited Commercial Use cannot be established at the subject property. FOR HEARING TODAY.

ACTION: Upon motion by President Lazarus, the Board voted 4-0-1 (Commissioner Wilson absent) to deny the appeal and uphold the Letter of Determination on the basis that the Zoning Administrator did not err or abuse his discretion.

SPEAKERS: Naifeh Azar, appellant; Shurky Azar, appellant; Scott Sanchez, ZA.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Lazarus adjourned the meeting at 6:45 p.m.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, NOVEMBER 04, 2015

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) **COMMISSIONER COMMENTS & QUESTIONS**

(3) **ADOPTION OF MINUTES**

Discussion and possible adoption of the October 28, 2015 minutes.

(4) **REHEARING REQUEST**

Subject property at 842 37th Avenue. Letter from Martin Fineman, attorney for permit holder, requesting rehearing of Appeal No. 15-112, Chincarini vs. DPW-BSM, decided October 07, 2015. At that time, the Board voted 4-1 (President Lazarus dissented) to deny the permit on the basis that the notice was defective. Permit Holder: NextG Networks of California, Inc. **Project:** to construct a personal wireless service facility. Application No. 14WR-0155.

(5) **REHEARING REQUEST**

Subject property at 787 33rd Avenue. Letter from Martin Fineman, attorney for permit holder, requesting rehearing of Appeal No. 15-113, Yen and Lau vs. DPW-BSM, decided October 07, 2015. At that time, the Board voted 4-1 (President Lazarus dissented) to deny the permit on the basis that the notice was defective. Permit Holder: NextG Networks of California, Inc. **Project:** to construct a personal wireless service facility. Application No. 14WR-0180.

(6) **REHEARING REQUEST**

Subject property at 1394 35th Avenue. Letter from Martin Fineman, attorney for permit holder, requesting rehearing of Appeal No. 15-114, Mangini and Kantor vs. DPW-BSM, decided October 07, 2015. At that time, the Board voted 4-1 (President Lazarus dissented) to deny the permit on the basis that the notice was defective. Permit Holder: NextG Networks of California, Inc. **Project:** to construct a personal wireless service facility. Application No. 14WR-0175.

(7) **REHEARING REQUEST**

Subject property at 2530 30th Avenue. Letter from Martin Fineman, attorney for permit holder, requesting rehearing of Appeal No. 15-115, Luo and Birmingham vs. DPW-BSM, decided October 07, 2015. At that time, the Board voted 4-1 (President Lazarus dissented) to deny the permit on the basis that the notice was defective. Permit Holder: NextG Networks of California, Inc. **Project:** to construct a personal wireless service facility. Application No. 14WR-0170.

(8) **REHEARING REQUEST**

Subject property at 1531 40th Avenue. Letter from Martin Fineman, attorney for permit holder, requesting rehearing of Appeal No. 15-116, Gormley vs. DPW-BSM, decided October 07, 2015. At that time, the Board voted 4-1 (President Lazarus dissented) to deny the permit on the basis that the notice was defective. Permit Holder: NextG Networks of California, Inc. **Project:** to construct a personal wireless service facility. Application No. 14WR-0174.

(9) **APPEAL NO. 15-120**

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	530-548 Brannan Street. Appealing the GRANTING on August 21, 2105, to Justin Chu, Essex Property Trust, of Rear Yard, Open Space, Exposure and Dwelling Unit Mix Variances (to legalize 27 dwelling units, resulting in 32 live/work units and 10 dwelling units at 530 Brannan Street, 36 live/work units and 9 dwelling units at 542 Brannan Street, and 34 live/work units and 8 dwelling units at 548 Brannan Street). CASE NO. 2014.1021V. FOR HEARING TODAY.

(10) **APPEAL NO. 15-121**

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	208 Pennsylvania Avenue. Appealing the GRANTING on August 21, 2105, to Justin Chu, Essex Property Trust, of Rear Yard, Open Space and Exposure Variances (to legalize 4 dwelling units, resulting in 22 live/work units and 4 dwelling units). CASE NO. 2014.1022V. FOR HEARING TODAY.

(11) **APPEAL NO. 15-128**

JACQUELINE DOLEV AND MATHEW COOPERBERG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2518 Filbert Street. Protesting the ISSUANCE on September 15, 2015, to Charles Robert Schwab Jr. Trust, of an Alteration Permit (to comply with Notice of Violation 2015 61431, to remove and replace damaged property line retaining wall and 6-foot tall privacy fence, per plan). APPLICATION NO. 2015/09/11/6739. FOR HEARING TODAY.

(12) **APPEAL NO. 15-139**

FRANCIS RYAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1055 Ashbury Street. Protesting the ISSUANCE on September 25, 2015, to Chris Durkin, of an Alteration Permit (revision to BPA No. 2014/06/09/7792, complete redesign of shoring, delete replacement of existing site walls). APPLICATION NO. 2015/05/15/6416. FOR HEARING TODAY.

(13) **Special Item**

Discussion and possible adoption of the departmental annual report for fiscal year 2014-2015.

ADJOURNMENT.

Note: The materials for each item on this agenda may include some or all of the following documents: Preliminary Statement of Appeal; Departmental determination being appealed; briefs submitted by Appellants, Permit Holders, Respondent Departments or Other Parties; submittals by members of the public; and correspondence. These items, and any materials related to an item on this agenda that are distributed to the Board members at the hearing, are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8:00 a.m. to 5:00 p.m., 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **October 30, 2015**

MEMBERS OF THE BOARD OF APPEALS

ANN LAZARUS	PRESIDENT
DARRYL HONDA	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
RICK SWIG	COMMISSIONER
BOBBIE WILSON	COMMISSIONER

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed seven minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three minutes to present testimony and evidence, with no rebuttal.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

Those members of the public who intend to testify about a particular appeal and wish to have the Board give their testimony evidentiary weight for purposes of deciding the appeal are asked to take an oath. Please note that any member of the public may speak without being sworn-in pursuant to their rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code).

SPECIAL NOTES

If the Board continues a matter to a specific date that is announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 415-575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa.

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:30 p.m. one Thursday prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete

distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies. Please note that names and addresses included in these submittals will become part of the public record. Submittals may be made anonymously.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

American sign language interpreters, translation services and/or sound enhancement will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing.

Intérpretes de lenguaje de señas americano, servicio de traducción y/o mejoramiento del sonido estará disponible a petición contactando con personal de la Junta al 415-575-6880 por lo menos 48 horas antes de la audiencia.

美国手语翻译, 翻译服务和/或声音增强将可在聆讯前48小时通过联系575-6880局人员要求.

Ang mga tagapagsalin sa lenggwaheng pasenyas, mga serbisyong pagsasalin at/o mga gamit upang pabutihin ang pakikinig ay maaaring hilingin sa Board Staff sa 575-6880 sa hindi bababa na 48 oras bago mag hearing,

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please
contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Board's web site, www.sfgov.org/boa.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGOVTV. Please telephone 415-554-4188 or go to http://sfgovtv.org for information.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, NOVEMBER 4, 2015

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Ann Lazarus, Vice President Darryl Honda, Commissioner Frank Fung and Commissioner Rick Swig.

ABSENT: Commissioner Bobbie Wilson

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Gene Chan, Department of Public Works Bureau of Street Use and Mapping (DPW); Cynthia Goldstein, Executive Director; Gary Cantara, Legal Assistant.

(1) PUBLIC COMMENT

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

PUBLIC COMMENT: None.

(2) COMMISSIONER COMMENTS & QUESTIONS

SPEAKERS: None.

(3) ADOPTION OF MINUTES

Discussion and possible adoption of the October 28, 2015 minutes.

ACTION: Upon motion by Vice President Honda, the Board voted 4-0-1 (Commissioner Wilson absent) to adopt the October 28, 2015 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

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(4) **REHEARING REQUEST**

Subject property at 842 37th Avenue. Letter from Martin Fineman, attorney for permit holder, requesting rehearing of Appeal No. 15-112, Chincarini vs. DPW-BSM, decided October 07, 2015. At that time, the Board voted 4-1 (President Lazarus dissented) to deny the permit on the basis that the notice was defective. Permit Holder: NextG Networks of California, Inc. **Project:** to construct a personal wireless service facility. Application No. 14WR-0155.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Wilson absent) to deny the request.

SPEAKERS: Martin Fineman, attorney for requestor; Lugwig Chincarini, appellant; Gene Chan, DPW.

PUBLIC COMMENT: John Birmingham and Jordan Kantor spoke in support of the appellant.

(5) **REHEARING REQUEST**

Subject property at 787 33rd Avenue. Letter from Martin Fineman, attorney for permit holder, requesting rehearing of Appeal No. 15-113, Yen and Lau vs. DPW-BSM, decided October 07, 2015. At that time, the Board voted 4-1 (President Lazarus dissented) to deny the permit on the basis that the notice was defective. Permit Holder: NextG Networks of California, Inc. **Project:** to construct a personal wireless service facility. Application No. 14WR-0180.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Wilson absent) to deny the request.

SPEAKERS: Martin Fineman, attorney for requestor; Keiming Yen, appellant; Gene Chan, DPW.

PUBLIC COMMENT: John Birmingham, Isabel Molloy and Jordan Kantor spoke in support of the appellants.

(6) **REHEARING REQUEST**

Subject property at 1394 35th Avenue. Letter from Martin Fineman, attorney for permit holder, requesting rehearing of Appeal No. 15-114, Mangini and Kantor vs. DPW-BSM, decided October 07, 2015. At that time, the Board voted 4-1 (President Lazarus dissented) to deny the permit on the basis that the notice was defective. Permit Holder: NextG Networks of California, Inc. **Project:** to construct a personal wireless service facility. Application No. 14WR-0175.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Wilson absent) to deny the request.

SPEAKERS: Martin Fineman, attorney for requestor; Jordan Kantor, appellant; Gene Chan, DPW.

PUBLIC COMMENT: Ray Law and Lisa Arjes spoke in support of the appellants.

(7) **REHEARING REQUEST**

Subject property at 2530 30th Avenue. Letter from Martin Fineman, attorney for permit holder, requesting rehearing of Appeal No. 15-115, Luo and Birmingham vs. DPW-BSM, decided October 07, 2015. At that time, the Board voted 4-1 (President Lazarus dissented) to deny the permit on the basis that the notice was defective. Permit Holder: NextG Networks of California, Inc. **Project:** to construct a personal wireless service facility. Application No. 14WR-0170.

ACTION: Upon motion by Vice President Honda, the Board voted 4-0-1 (Commissioner Wilson absent) to deny the request.

SPEAKERS: Martin Fineman, attorney for requestor; John Birmingham, appellant; Hakha Do, agent for appellant through interpreter Brenda Suen; Gene Chan, DPW.

PUBLIC COMMENT: Anne Brubaker spoke in support of the appellant.

(8) **REHEARING REQUEST**

Subject property at 1531 40th Avenue. Letter from Martin Fineman, attorney for permit holder, requesting rehearing of Appeal No. 15-116, Gormley vs. DPW-BSM, decided October 07, 2015. At that time, the Board voted 4-1 (President Lazarus dissented) to deny the permit on the basis that the notice was defective. Permit Holder: NextG Networks of California, Inc. **Project:** to construct a personal wireless service facility. Application No. 14WR-0174.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Wilson absent) to deny the request.

SPEAKERS: Martin Fineman, attorney for requestor; Amanda Gormley, appellant; Owen Gormley, agent for appellant; Gene Chan, DPW.

PUBLIC COMMENT: Janis Mercer spoke in support of the appellant; Sylvia Johnson addressed the Board.

ITEMS (9) AND (10) SHALL BE HEARD TOGETHER:

(9) **APPEAL NO. 15-120**

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	530-548 Brannan Street. Appealing the GRANTING on August 21, 2105, to Justin Chu, Essex Property Trust, of Rear Yard, Open Space, Exposure and Dwelling Unit Mix Variances (to legalize 27 dwelling units, resulting in 32 live/work units and 10 dwelling units at 530 Brannan Street, 36 live/work units and 9 dwelling units at 542 Brannan Street, and 34 live/work units and 8 dwelling units at 548 Brannan Street). CASE NO. 2014.1021V. FOR HEARING TODAY.

(10) **APPEAL NO. 15-121**

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	208 Pennsylvania Avenue. Appealing the GRANTING on August 21, 2105, to Justin Chu, Essex Property Trust, of Rear Yard, Open Space and Exposure Variances (to legalize 4 dwelling units, resulting in 22 live/work units and 4 dwelling units). CASE NO. 2014.1022V. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Wilson absent) to deny the appeals and uphold the variances on the basis that the five findings required under Planning Code Section 305(c) have been met.

SPEAKERS: Alan Murphy, attorney for variance holder; Scott Sanchez, ZA; Joseph Duffy, DBI. The appellant did not appear.

PUBLIC COMMENT: None.

(11) **APPEAL NO. 15-128**

JACQUELINE DOLEV AND MATHEW COOPERBERG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2518 Filbert Street. Protesting the ISSUANCE on September 15, 2015, to Charles Robert Schwab Jr. Trust, of an Alteration Permit (to comply with Notice of Violation 2015 61431, to remove and replace damaged property line retaining wall and 6-foot tall privacy fence, per plan). APPLICATION NO. 2015/09/11/6739. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Wilson absent) to continue this matter to November 18, 2015, as requested by the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(12) **APPEAL NO. 15-139**

FRANCIS RYAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1055 Ashbury Street. Protesting the ISSUANCE on September 25, 2015, to Chris Durkin, of an Alteration Permit (revision to BPA No. 2014/06/09/7792, complete redesign of shoring, delete replacement of existing site walls). APPLICATION NO. 2015/05/15/6416. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Wilson absent) to deny the appeal and uphold the permit on the basis that the permit was properly issued.

SPEAKERS: Francis Ryan, appellant; Chris Durkin, permit holder; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(13) **Special Item**

Discussion and possible adoption of the departmental annual report for fiscal year 2014-2015.

ACTION: Upon motion by Vice President Honda, the Board voted 4-0-1 (Commissioner Wilson absent) to adopt the report as amended.

SPEAKERS: Director Goldstein presented information about the report to the Board.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Lazarus adjourned the meeting at 8:00 p.m.

City and County of San Francisco

Edwin M. Lee
Mayor

Board of Appeals

Cynthia G. Goldstein
Executive Director

PUBLIC NOTICE

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cancelled

The Board of Appeals has **NOT SCHEDULED** a meeting for November 11, 2015. The next regular meeting is scheduled for **Wednesday, November 18, 2015, in City Hall, Room 416, 5:00 p.m.,** One Dr. Carlton B. Goodlett Place.

Please call 415-575-6880 if there are any questions concerning this or any other appeal-related matter.

Date Posted: **November 06, 2015**

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, NOVEMBER 18, 2015

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) COMMISSIONER COMMENTS & QUESTIONS

(3) ADOPTION OF MINUTES

Discussion and possible adoption of the November 04, 2015 minutes.

(4) JURISDICTION REQUEST

Subject property at 171 26th Avenue. Letter from Louise Ure, requestor, asking that the Board take jurisdiction over BPA No. 2015/09/28/8229, which was issued on October 13, 2015. The appeal period ended on October 28, 2015, and the jurisdiction request was filed at the Board office on October 29, 2015. Permit Holders: Greg Davis and Karin Orsic. Project: revision to BPA No. 2014/11/12/1222 R1. Correction of location/configuration rear of south neighbor house; 11" adjustment east/west dimension to stair penthouse to allow required stair headroom clearance; revise penthouse door and window sizes and type.

(5) APPEAL NO. 15-070

WILLIAM GORDON KAUPP & BETH FEINBERG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	287 Cresta Vista Avenue. Protesting the ISSUANCE on April 30, 2015, to Jianseng Chen, of an Alteration Permit (temporary shoring). APPLICATION NO. 2014/07/10/0951. PUBLIC HEARING HELD ON SEPT. 02, 2015. FOR FURTHER CONSIDERATION TODAY. **Note: this matter was continued to allow time for the parties to finalize a settlement agreement.**

(6) **APPEAL NO. 15-124**

TONY ALCALA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET USE AND MAPPING, Respondent	100 Pine Street, 430 California Street and 560 Mission Street. Protesting the ISSUANCE on August 31, 2015, of a Mobile Food Facility Permit (for the sale of lobster rolls, crab rolls, clam chowder, lobster bisque, chips, lemonade and drinks). PERMIT NO. 14MFF-0134. FOR HEARING TODAY.

(7) **APPEAL NO. 15-130**

ANTON LETHIN, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	300 Moncada Way. Protesting the DENIAL on September 15, 2015, of a Tree Removal Permit (approval to remove one significant tree on private property with one replacement tree). ORDER NO. 184026. FOR HEARING TODAY.

(8) **APPEAL NO. 15-131**

JOUNI HEIKKINEN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1364-1370 Pacific Avenue. Protesting the ISSUANCE on September 23, 2015, to Riyad Ghannam, of a Variance and Rear Yard Modification (to provide a 10-foot wide vehicular entry at 1364 Pacific Avenue, and an 8-foot wide vehicular entry at 1370 Pacific Avenue; and to provide minimum rear yard setbacks of three feet at the basement and first level, with increased setbacks at the second, third and fourth floors for both buildings). CASE NOS.: 2013.0883DV & 2013.0884DV. FOR HEARING TODAY.

(9) **APPEAL NO. 15-132**

ALLEN LEUNG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2027 20th Avenue. Protesting the ISSUANCE on September 11, 2015, to Shing Kit Lee, of an Alteration Permit (three-story front and vertical/horizontal addition to existing single family dwelling; with 4 bedrooms, 5 baths, living room, dining room, kitchen, family room and 2 car garage). APPLICATION NO.: 2008/04/04/8918S FOR HEARING TODAY.

ADJOURNMENT.

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Date posted: **November 13, 2015**

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ANN LAZARUS	PRESIDENT
DARRYL HONDA	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
RICK SWIG	COMMISSIONER
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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, NOVEMBER 18, 2015

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Ann Lazarus, Vice President Darryl Honda, Commissioner Frank Fung, Commissioner Rick Swig and Commissioner Bobbie Wilson.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Rahul Shah, Department of Public Works Bureau of Street Use and Mapping (DPW); Cynthia Goldstein, Executive Director; Gary Cantara, Legal Assistant.

(1) PUBLIC COMMENT

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PUBLIC COMMENT: None.

(2) COMMISSIONER COMMENTS & QUESTIONS

SPEAKERS: None.

(3) ADOPTION OF MINUTES

Discussion and possible adoption of the November 4, 2015 minutes.

ACTION: Upon motion by Vice President Honda, the Board voted 5-0 to adopt the November 4, 2015 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

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(4) **JURISDICTION REQUEST**

Subject property at 171 26th Avenue. Letter from Louise Ure, requestor, asking that the Board take jurisdiction over BPA No. 2015/09/28/8229, which was issued on October 13, 2015. The appeal period ended on October 28, 2015, and the jurisdiction request was filed at the Board office on October 29, 2015. Permit Holders: Greg Davis and Karin Orsic. Project: revision to BPA No. 2014/11/12/1222 R1. Correction of location/configuration rear of south neighbor house; 11" adjustment east/west dimension to stair penthouse to allow required stair headroom clearance; revise penthouse door and window sizes and type.

ACTION: Withdrawn prior to the hearing.

(5) **APPEAL NO. 15-070**

WILLIAM GORDON KAUPP & BETH FEINBERG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	287 Cresta Vista Avenue. Protesting the ISSUANCE on April 30, 2015, to Jianseng Chen, of an Alteration Permit (temporary shoring). APPLICATION NO. 2014/07/10/0951. PUBLIC HEARING HELD ON SEPT. 02, 2015. FOR FURTHER CONSIDERATION TODAY. **Note: this matter was continued to allow time for the parties to finalize a settlement agreement.**

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to continue this matter to the Call of the Chair to allow time for a new shoring plan to be prepared.

SPEAKERS: Clint Callan, attorney for appellants; Rodrigo Santos, agent for permit holder; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(6) **APPEAL NO. 15-124**

TONY ALCALA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET USE AND MAPPING, Respondent	100 Pine Street, 430 California Street and 560 Mission Street. Protesting the ISSUANCE on August 31, 2015, of a Mobile Food Facility Permit (for the sale of lobster rolls, crab rolls, clam chowder, lobster bisque, chips, lemonade and drinks). PERMIT NO. 14MFF-0134. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Swig recused) to deny the appeal and uphold the permit on the basis that it was properly issued.

SPEAKERS: Tony Alcala, appellant; Justin Mi, agent for permit holder; Rahul Shah, DPW BSM.

PUBLIC COMMENT: None.

(7) **APPEAL NO. 15-130**

ANTON LETHIN, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	300 Moncada Way. Protesting the DENIAL on September 15, 2015, of a Tree Removal Permit (approval to remove one significant tree on private property with one replacement tree). ORDER NO. 184026. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to grant the appeal, overturn the Department and issue the permit on the condition that a flowering Vesuvius replacement tree be planted, on the basis that the current tree is causing substantial damage.

SPEAKERS: Anton Lethin, appellant. The Department did not appear.

PUBLIC COMMENT: Paul Conroy and Leonor Arevalo spoke in support of the appellant. Sylvia Johnson addressed the Board.

(8) **APPEAL NO. 15-131**

JOUNI HEIKKINEN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1364-1370 Pacific Avenue. Protesting the ISSUANCE on September 23, 2015, to Riyad Ghannam, of a Variance and Rear Yard Modification (to provide a 10-foot wide vehicular entry at 1364 Pacific Avenue, and an 8-foot wide vehicular entry at 1370 Pacific Avenue; and to provide minimum rear yard setbacks of three feet at the basement and first level, with increased setbacks at the second, third and fourth floors for both buildings). CASE NOS.: 2013.0883DV and 2013.0884DV. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to deny the appeal and uphold the determination on the basis that the required five findings for the variance have been met and that the Zoning Administrator did not err or abuse his discretion in granting the rear yard modification.

SPEAKERS: Andrew Peterson, agent for appellant; Melinda Sarjapur, attorney for determination holder; Scott Sanchez, ZA.

PUBLIC COMMENT: Marilyn Aspesi, Camilla Jaderholm and Kendra Boardman spoke in support of appellant. Jim Burn and Karen Tom spoke in support of the determination holder.

(9) **APPEAL NO. 15-132**

ALLEN LEUNG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2027 20th Avenue. Protesting the ISSUANCE on September 11, 2015, to Shing Kit Lee, of an Alteration Permit (three-story front and vertical/horizontal addition to existing single family dwelling; with 4 bedrooms, 5 baths, living room, dining room, kitchen, family room and 2 car garage). APPLICATION NO.: 2008/04/04/8918S FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to deny the appeal and uphold the permit on the basis that it was properly issued.

SPEAKERS: Allen Leung, appellant; Stephen Williams, attorney for permit holder; Scott Sanchez, ZA.

PUBLIC COMMENT: Simon Ma spoke in support of the appellant. Sylvia Johnson addressed the Board.

ADJOURNMENT.

There being no further business, President Lazarus adjourned the meeting at 7:15 p.m.

City and County of San Francisco

Edwin M. Lee
Mayor

Board of Appeals

Cynthia G. Goldstein
Executive Director

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cancelled

PUBLIC NOTICE

The Board of Appeals has **NOT SCHEDULED** meetings for November 25, 2015 or December 02, 2015. The next regular meeting is scheduled for **Wednesday, December 09, 2015, in City Hall, Room 416, 5:00 p.m.,** One Dr. Carlton B. Goodlett Place.

Please call 415-575-6880 if there are any questions concerning this or any other appeal-related matter.

Date Posted: **November 20, 2015**

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, DECEMBER 09, 2015

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT

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(2) COMMISSIONER COMMENTS & QUESTIONS

(3) ADOPTION OF MINUTES

Discussion and possible adoption of the November 18, 2015 minutes.

12-04-15A09:54 RCVD

(4) JURISDICTION REQUEST

Subject property at 4400-4402 Pacheco Street. Letter from Steve McDonagh, requestor, asking that the Board take jurisdiction over BPA No. 2015/08/25/5206, which was issued on August 25, 2015 by the Department of Building Inspection. The appeal period ended on September 09, 2015, and the jurisdiction request was filed at the Board office on November 06, 2015. Permit Holder: Nai Bin Gao. Project: comply with Complaint No. 201389401; first floor: add three bedrooms, three full baths; second floor: remodel existing bath and add one bath; third floor: remodel existing bath, legalize one bath and add one bath per plan; add windows at side.

(5) APPEAL NO. 15-133

MANUEL LOLI, Appellant(s) vs. ARTS COMMISSION, Respondent	Appealing the denial / non-renewal on September 16, 2015 of a Street Artists Certificate. CERTIFICATE NO. 6040 FOR HEARING TODAY.

(6) **APPEAL NO. 15-119**

PANORAMIC INTERESTS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	1321 Mission Street. Protesting the DENIAL on August 18, 2015, of a Tree Removal Permit (denial of request to not plant five 60" box size replacement trees at the subject property). APPLICATION NO. 776333. PUBLIC HEARING HELD ON OCT. 14, 2015. FOR FURTHER CONSIDERATION TODAY. **Note: this matter was continued to allow time for the parties to discuss resolution and for a representative from the Dept. of Public Works Division of Street-Use and Mapping to appear before the Board to address how Americans with Disabilities Act requirements impact this permit.**

(7) **APPEAL NO. 15-187**

MISSION BAY ALLIANCE, Appellant vs. ENTERTAINMENT COMMISSION, Respondent	Mission Bay South Blocks 29 & 31. Protesting the CONDITIONAL GRANT on November 10, 2015, of a Place of Entertainment Permit (for a mixed use event center open seven days a week from 7:00 a.m. to 2:00 a.m., with proposed entertainment to include family shows, professional basketball games, collegiate athletic events, and concerts, and with food and beverages served on-site, including alcoholic beverages). PERMIT NO. EC-1352. FOR HEARING TODAY.

(8) **APPEAL NO. 15-128**

JACQUELINE DOLEV AND MATHEW COOPERBERG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2518 Filbert Street. Protesting the ISSUANCE on September 15, 2015, to Charles Robert Schwab Jr. Trust, of an Alteration Permit (to comply with Notice of Violation 201561431, to remove and replace a damaged property line retaining wall and 6-foot tall privacy fence, per plan). APPLICATION NO. 2015/09/11/6739. FOR HEARING TODAY.

(9) **APPEAL NO. 15-111**

KATHRYN R. DEVINCENZI, Appellant vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	16, 16A and 18 Iris Avenue. Protesting the ISSUANCE on July 30, 2015, to James and Anna Marie Murray, of an Alteration Permit (16A Iris: ground floor horizontal addition at rear year; 16 Iris: remodel of second floor kitchen, bathroom and bedrooms, new second floor deck at rear yard; three dwelling units to remain). APPLICATION NO. 2014/04/16/3387S. FOR HEARING TODAY.

(10) **APPEAL NO. 15-127**

DAVID OSGOOD, Appellant(s) vs. PLANNING COMMISSION, Respondent MOTION HOLDER: RDF 75 HOWARD LP	75 Howard Street. Appealing the ISSUANCE on September 03, 2015, to Marce Sanchez, of a Planning Code § 309 Determination of Compliance and Request for Exceptions (to construct a 20-story-over-basement, approximately 220-foot tall building with up to 133 dwelling units and approximately 5,824 sq. ft. of ground floor commercial space with exceptions for rear yard under Planning Code Section 134, reduction of ground-level wind currents under Planning Code Section 148, and height and bulk limits under Planning Code Section 263.9, 270, and 272). MOTION NO. 19450. FOR HEARING TODAY.

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Date posted: **December 04, 2015**

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, DECEMBER 09, 2015

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Ann Lazarus, Vice President Darryl Honda, Commissioner Frank Fung and Commissioner Rick Swig.

Robert Bryan, Deputy City Attorney, Office of City Attorney (OCA); Jana Clark, Deputy City Attorney, OCA; John Malamut, OCA; Scott Sanchez, Zoning Administrator (ZA); Tina Chang, Planning Department (PD); Chris Kern, PD; Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); Rebekah Krell, Deputy Director, Arts Commission (AC); Howard Lazar, Program Director, AC; Barbara Sklar, AC; Reneé de Cossio, AC; Jocelyn Kane, Executive Director, Entertainment Commission (EC); Chris Buck, Acting Urban Forester, Department of Public Works Bureau of Urban Forestry (DPW); Kevin Jensen, Department of Public Works Bureau of Street Use and Mapping, DPW; Adam Van de Water, Office of Economic and Workforce Development (OEWD); Jim Morales, Office of Community Investment and Infrastructure (OCII); Cynthia Goldstein, Executive Director; Gary Cantara, Legal Assistant.

ABSENT: Commissioner Bobbie Wilson.

(1) PUBLIC COMMENT

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

PUBLIC COMMENT: None.

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(2) COMMISSIONER COMMENTS & QUESTIONS

SPEAKERS: None.

(3) ADOPTION OF MINUTES

Discussion and possible adoption of the November 18, 2015 minutes.

ACTION: Upon motion by Vice President Honda, the Board voted 4-0-1 (Commissioner Wilson absent) to adopt the November 18, 2015 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **JURISDICTION REQUEST**

Subject property at 4400-4402 Pacheco Street. Letter from Steve McDonagh, requestor, asking that the Board take jurisdiction over BPA No. 2015/08/25/5206, which was issued on August 25, 2015 by the Department of Building Inspection. The appeal period ended on September 09, 2015, and the jurisdiction request was filed at the Board office on November 06, 2015. Permit Holder: Nai Bin Gao. Project: comply with Complaint No. 201389401; first floor: add three bedrooms, three full baths; second floor: remodel existing bath and add one bath; third floor: remodel existing bath, legalize one bath and add one bath per plan; add windows at side.

ACTION: Upon motion by Commissioner Fung, the Board voted 3-1-1 (Vice President Honda dissented and Commissioner Wilson absent) to deny the request.

SPEAKERS: Steve McDonagh, requestor; Eric Lee, agent for permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 15-133**

MANUEL LOLI, Appellant(s) vs. ARTS COMMISSION, Respondent	Appealing the denial / non-renewal on September 16, 2015 of a Street Artists Certificate. CERTIFICATE NO. 6040 FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Wilson absent) to deny the appeal and uphold the permit denial by the Arts Commission on the basis that the appellant was found to be selling items he did not manufacture.

SPEAKERS: The appellant did not appear. Howard Lazar, AC; Rebekah Krell, AC; Barbara Sklar, AC; Reneé DeCossio, AC.

PUBLIC COMMENT: Ann Treboux spoke in support of the appellant.

(6) **APPEAL NO. 15-119**

PANORAMIC INTERESTS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	1321 Mission Street. Protesting the DENIAL on August 18, 2015, of a Tree Removal Permit (denial of request to not plant five 60" box size replacement trees at the subject property). APPLICATION NO. 776333. PUBLIC HEARING HELD ON OCT. 14, 2015. FOR FURTHER CONSIDERATION TODAY. **Note: this matter was continued to allow time for the parties to discuss resolution and for a representative from the Dept. of Public Works Division of Street-Use and Mapping to appear before the Board to address how Americans with Disabilities Act requirements impact this permit.**

ACTION: Upon motion by President Lazarus, the Board voted 4-0-1 (Commissioner Wilson absent) to continue the appeal to January 13, 2016, to allow time for the parties to continue to discuss the City's requirements for the site and try to develop a planting plan.

SPEAKERS: Zac Shore, agent for appellant; Chris Buck, DPW; Kevin Jensen, DPW.

PUBLIC COMMENT: None.

(7) **APPEAL NO. 15-187**

MISSION BAY ALLIANCE, Appellant vs. ENTERTAINMENT COMMISSION, Respondent	Mission Bay South Blocks 29 & 31. Protesting the CONDITIONAL GRANT on November 10, 2015, of a Place of Entertainment Permit (for a mixed use event center open seven days a week from 7:00 a.m. to 2:00 a.m., with proposed entertainment to include family shows, professional basketball games, collegiate athletic events, and concerts, and with food and beverages served on-site, including alcoholic beverages). PERMIT NO. EC-1352. FOR HEARING TODAY.

ACTION: Upon motion by President Lazarus, the Board voted 3-1-1 (Commissioner Fung dissented and Commissioner Wilson absent) to deny the appeal and grant the permit with conditions and findings, including environmental findings, adopted by the Board.

SPEAKERS: Patrick Soluri, attorney for appellant; Leo Schwartz, agent for appellant; Mary Murphy, attorney for permit holder; Steve Collins, agent for permit holder; Jocelyn Kane, EC; John Malamut, attorney for EC; Adam Van de Water, OEWD; Chris Kern, PD; Jim Morales, OCII.

PUBLIC COMMENT: Robert Steinberg, Sarah Bennett and Kylie Merriam spoke in support of the appellant. Antoinette Mobley spoke in support of the permit holder.

(8) **APPEAL NO. 15-128**

JACQUELINE DOLEV AND MATHEW COOPERBERG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2518 Filbert Street. Protesting the ISSUANCE on September 15, 2015, to Charles Robert Schwab Jr. Trust, of an Alteration Permit (to comply with Notice of Violation 201561431, to remove and replace a damaged property line retaining wall and 6-foot tall privacy fence, per plan). APPLICATION NO. 2015/09/11/6739. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Wilson absent) to reschedule this matter to January 27, 2016 at the request of the parties.

PUBLIC COMMENT: None.

(9) **APPEAL NO. 15-111**

KATHRYN R. DEVINCENZI, Appellant vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	16, 16A and 18 Iris Avenue. Protesting the ISSUANCE on July 30, 2015, to James and Anna Marie Murray, of an Alteration Permit (16A Iris: ground floor horizontal addition at rear year; 16 Iris: remodel of second floor kitchen, bathroom and bedrooms, new second floor deck at rear yard; three dwelling units to remain). APPLICATION NO. 2014/04/16/3387S. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Wilson absent) to deny the appeal and uphold the permit on the basis that it is Code complaint.

SPEAKERS: Kathryn Devincenzi, appellant; Janet Campbell, agent for appellant; Jim Murray, permit holder; Yakuh Askew, agent for permit holder; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: Bobby Coleman, Hiroshi Fukuda and M.J. Thomas spoke in support of the appellant.

(10) **APPEAL NO. 15-127**

DAVID OSGOOD, Appellant(s) vs. PLANNING COMMISSION, Respondent MOTION HOLDER: RDF 75 HOWARD LP	75 Howard Street. Appealing the ISSUANCE on September 03, 2015, to Marce Sanchez, of a Planning Code § 309 Determination of Compliance and Request for Exceptions (to construct a 20-story-over-basement, approximately 220-foot tall building with up to 133 dwelling units and approximately 5,824 sq. ft. of ground floor commercial space with exceptions for rear yard under Planning Code Section 134, reduction of ground-level wind currents under Planning Code Section 148, and height and bulk limits under Planning Code Section 263.9, 270, and 272). MOTION NO. 19450. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 2-2-1 (Vice President Honda and Commission Swig dissented and Commissioner Wilson absent) to deny the appeal and uphold the motion on the basis that the Planning Commission did not err or abuse its discretion. Lacking the four votes needed to pass, the motion failed. Upon motion by Commissioner Swig, the Board voted 4-0-1 (Commissioner Wilson absent) to continue this matter to January 27, 2016, to allow Commissioner Wilson to participate in the outcome of this appeal.

SPEAKERS: David Osgood, appellant; Sue Hestor, agent for appellant; Mary Murphy, attorney for motion holder; Mark Schwettman, agent for motion holder; Scott Sanchez, ZA; Tina Chang, PD.

PUBLIC COMMENT: Reed Bement, David Obershaw and Sue Hestor spoke in support of the appellant.

ADJOURNMENT.

There being no further business, President Lazarus adjourned the meeting at 10:45 p.m.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, DECEMBER 16, 2015

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) **COMMISSIONER COMMENTS & QUESTIONS**

(3) **ADOPTION OF MINUTES**

Discussion and possible adoption of December 09, 2015 minutes.

(4) **REHEARING REQUEST**

Subject property at 2027 20th Avenue. Letter from Allen Leung, appellant, requesting rehearing of Appeal No. 15-132, Leung vs. DBI, PDA, decided November 18, 2015. At that time, the Board voted 5-0 to uphold the permit on the basis that it was properly issued. Permit Holder: Shing Kit Lee. **Project:** to build a three-story front and vertical/horizontal addition to an existing single family dwelling; with 4 bedrooms, 5 baths, living room, dining room, kitchen, family room and 2 car garage. Application No. 2008/04/04/8918S.

(5) **APPEAL NO. 15-138**

SHUAI WU DBA "ARCO/HAO'S AUTO," Appellant(s) vs. DEPARTMENT OF PUBLIC HEALTH, Respondent	1200 Geneva Avenue. Protesting the DENIAL on September 30, 2015, of a Tobacco Sales Establishment Permit (pursuant to the San Francisco Health Code prohibition on new tobacco sales permits in Supervisorial Districts where the total number of existing permits in the District exceeds 45). DIRECTOR'S CASE NO.: SMK 15-16. FOR HEARING TODAY.

(6) **APPEAL NO. 15-137**

SYDNEY DAY, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	29-31 Hattie Street. Protesting the ISSUANCE on September 28, 2015, of a Letter of Determination stating that the Planning Code does not allow rear decks to be used in rear yard averaging; therefore, the decks at the properties adjacent to the subject property cannot be included for the purpose of calculating rear yard averaging. RECORD NO.: 2015-010593ZAD. FOR HEARING TODAY.

(7) **APPEAL NO. 15-141**

SAM ALOUDI, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1701-1703 McKinnon Avenue. Appealing the denial on October 09, 2015, of a Minimum Lot Size Variance (split existing lot into two separate lots to create a lot with a width and area less than the required minimum). CASE NO. 2015-001505VAR. FOR HEARING TODAY.

ADJOURNMENT.

***** The Board will adjourn to Soluna Café & Lounge at 272 McAllister Street after the meeting for a holiday gathering.**

Note: The materials for each item on this agenda may include some or all of the following documents: Preliminary Statement of Appeal; Departmental determination being appealed; briefs submitted by Appellants, Permit Holders, Respondent Departments or Other Parties; submittals by members of the public; and correspondence. These items, and any materials related to an item on this agenda that are distributed to the Board members at the hearing, are available for public inspection at the Board's office during normal office hours (Monday to Friday, 8:00 a.m. to 5:00 p.m., 1650 Mission Street, Room 304) and in the hearing room on the date the matter is scheduled to be heard. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **December 11, 2015**

MEMBERS OF THE BOARD OF APPEALS

ANN LAZARUS	PRESIDENT
DARRYL HONDA	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
RICK SWIG	COMMISSIONER
BOBBIE WILSON	COMMISSIONER

PROCEDURE AT HEARINGS

Except when the Presiding Officer finds good cause to order the presentations otherwise, the order of presentation of an appeal shall be as follows: (a) the appellant shall speak first and shall be allowed seven minutes to present relevant testimony and evidence. Then the permit holder, representatives of the department, board, commission or person from whose order the appeal is taken, and/or other parties, shall be allowed seven minutes for presentation of relevant testimony and evidence. Three minutes for rebuttal shall be provided to all parties in this same order; (b) the Board may request a departmental response at its own discretion. For rehearing requests and jurisdiction requests, each party shall be allowed three minutes to present testimony and evidence, with no rebuttal.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

Those members of the public who intend to testify about a particular appeal and wish to have the Board give their testimony evidentiary weight for purposes of deciding the appeal are asked to take an oath. Please note that any member of the public may speak without being sworn-in pursuant to their rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code).

SPECIAL NOTES

If the Board continues a matter to a specific date that is announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 415-575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa.

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1650 Mission Street, Room 304, no later than 4:30 p.m. one Thursday prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete

distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies. Please note that names and addresses included in these submittals will become part of the public record. Submittals may be made anonymously.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

American sign language interpreters, translation services and/or sound enhancement will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing.

Intérpretes de lenguaje de señas americano, servicio de traducción y/o mejoramiento del sonido estará disponible a petición contactando con personal de la Junta al 415-575-6880 por lo menos 48 horas antes de la audiencia.

美国手语翻译, 翻译服务和/或声音增强将可在聆讯前48小时通过联系575-6880局人员要求.

Ang mga tagapagsalin sa lenggwaheng pasenyas, mga serbisyong pagsasalin at/o mga gamit upang pabutihin ang pakikinig ay maaaring hilingin sa Board Staff sa 575-6880 sa hindi bababa na 48 oras bago mag hearing,

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance may request a copy from the Sunshine Ordinance Task Force Administrator or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please
contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Board's web site, www.sfgov.org/boa.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGOVTV. Please telephone 415-554-4188 or go to http://sfgovtv.org for information.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, DECEMBER 16, 2015

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Ann Lazarus, Vice President Darryl Honda, Commissioner Frank Fung and Commissioner Bobbie Wilson.

Robert Bryan, Deputy City Attorney, Office of the City Attorney (OCA); Ann Pearson, OCA; Scott Sanchez, Zoning Administrator (ZA); Joseph Duffy, Senior Building Inspector, Department of Building Inspection (DBI); June Weintraub, Manager, Department of Public Health Environmental Health Section (DPH); Janine Young, Senior Health Inspector, DPH; Cynthia Goldstein, Executive Director; Gary Cantara, Legal Assistant.

16/15

ABSENT: Commissioner Rick Swig.

(1) **PUBLIC COMMENT**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

PUBLIC COMMENT: None.

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(2) **COMMISSIONER COMMENTS & QUESTIONS**

SPEAKERS: None.

(3) **ADOPTION OF MINUTES**

Discussion and possible adoption of the December 9, 2015 minutes.

ACTION: Upon motion by Vice President Honda, the Board voted 4-0-1 (Commissioner Swig absent) to adopt the December 9, 2015 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **REHEARING REQUEST**

Subject property at 2027 20th Avenue. Letter from Allen Leung, appellant, requesting rehearing of Appeal No. 15-132, Leung vs. DBI, PDA, decided November 18, 2015. At that time, the Board voted 5-0 to uphold the permit on the basis that it was properly issued. Permit Holder: Shing Kit Lee. **Project:** to build a three-story front and vertical/horizontal addition to an existing single family dwelling; with 4 bedrooms, 5 baths, living room, dining room, kitchen, family room and 2 car garage. Application No. 2008/04/04/8918S.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Swig absent) to deny the request.

SPEAKERS: Allen Leung, requestor; Wendy Leung, agent for requestor; Stephen Williams, attorney for permit holder; Scott Sanchez, ZA.

PUBLIC COMMENT: Simon Ma spoke in support of the requestor.

(5) **APPEAL NO. 15-138**

SHUAI WU DBA "ARCO/HAO'S AUTO," Appellant(s) vs. DEPARTMENT OF PUBLIC HEALTH, Respondent	1200 Geneva Avenue. Protesting the DENIAL on September 30, 2015, of a Tobacco Sales Establishment Permit (pursuant to the San Francisco Health Code prohibition on new tobacco sales permits in Supervisorial Districts where the total number of existing permits in the District exceeds 45). DIRECTOR'S CASE NO.: SMK 15-16. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 2-2-1 (President Lazarus and Commissioner Wilson dissented and Commissioner Swig absent) to grant the appeal and issue the permit on the condition that it be for one month duration from the date of the Board of Appeals decision, to allow for the sale of the remaining tobacco inventory. Lacking the four votes needed to pass, the motion failed. With no further motion made, the permit denial was upheld by operation of law.

SPEAKERS: Shuai Wu, appellant; June Weintraub, DPH; Janine Young, DPH; Ann Pearson, OCA.

PUBLIC COMMENT: None.

(6) **APPEAL NO. 15-137**

SYDNEY DAY, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	29-31 Hattie Street. Protesting the ISSUANCE on September 28, 2015, of a Letter of Determination stating that the Planning Code does not allow rear decks to be used in rear yard averaging; therefore, the decks at the properties adjacent to the subject property cannot be included for the purpose of calculating rear yard averaging. RECORD NO.: 2015-010593ZAD. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Swig absent) to deny the appeal and uphold the Letter of Determination on the basis that the Zoning Administrator did not err or abuse his discretion.

SPEAKERS: Sydney Day, appellant; John Goldman, agent for appellant; Scott Sanchez, ZA; Joseph Duffy, DBI.

PUBLIC COMMENT: Sylvia Johnson addressed the Board.

(7) **APPEAL NO. 15-141**

SAM ALOUDI, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1701-1703 McKinnon Avenue. Appealing the denial on October 09, 2015, of a Minimum Lot Size Variance (split existing lot into two separate lots to create a lot with a width and area less than the required minimum). CASE NO. 2015-001505VAR. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Swig absent) to deny the appeal and uphold the denial of the variance on the basis that the five findings required under Planning Code Section 305(c) have not been met.

SPEAKERS: Javier Solorzano, agent for appellant; Scott Sanchez, ZA.

PUBLIC COMMENT: Sylvia Johnson addressed the Board.

ADJOURNMENT.

There being no further business, President Lazarus adjourned the meeting at 6:55 p.m.

City and County of San Francisco

Edwin M. Lee
Mayor

Board of Appeals

Cynthia G. Goldstein
Executive Director

PUBLIC NOTICE

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cancelled

The Board of Appeals has **NOT SCHEDULED** meetings for December 23, 2015, December 30, 2015 or January 06, 2016. The next regular meeting is scheduled for **Wednesday, January 13, 2015, in City Hall, Room 416, 5:00 p.m.,** One Dr. Carlton B. Goodlett Place.

Please call 415-575-6880 if there are any questions concerning this or any other appeal-related matter.

Date Posted: **December 18, 2015**

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